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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JOLLY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 3, 2016.

I hereby appoint the Honorable DAVID W. JOLLY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

MAKE PROGRESS ON LEGAL IMMIGRATION RATHER THAN BLAME PRESIDENT OBAMA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, tomorrow, Republicans in the House are holding a hearing that will blame the Obama administration because thousands of children and young adults are fleeing three countries in Central America and are seeking safety in the United States and in other countries.

The premise, as far as the Republicans on the committee are concerned, is that President Obama has not deported anyone or enforced any immigration laws. As far as they are concerned, the President's executive actions—which we should remember are for a different set of immigrants altogether and which Republicans have delayed until the Supreme Court decides on a lawsuit this summer—are a clarion call to everyone in these three particular countries to attempt to come to the U.S. It is not the rampant murders, the extortion, the forced conscription into street gangs, or the utter collapse of civil society and civil order that is driving people to risk their lives to seek safety here. No. It is ''that'' President whom Republicans love to hate. He is to blame.

I hope that at least a little time at the Judiciary hearing on Thursday will be devoted to the problems our government has faced over the past couple of years in handling young and unaccompanied asylum seekers from Central America. We know that some women were kept in lockups for too long, that the term ''humane family detention'' is an oxymoron, that children were released to guardians who did not have the children's best interests in mind, and that some were forced into human trafficking situations, and we should have been more vigilant. Those are the issues I hope we can focus on.

We should be asking: How can we remain a society that protects the innocent, that cares for children who have put themselves in our care, and that does so in accordance with the laws of this Nation and the laws of basic decency?

Unfortunately, at this point, we know what Judiciary Committee hearings are not about. They are not serious attempts to craft legislation that creates an immigration system that works for the American people. Hearings in this Congress are not about how the Congress can create legal and controlled immigration alternatives so that people do not try to come illegally or spend thousands of dollars on smugglers and traffickers.

We will probably not discuss how a generation of temporary protected status for certain immigrants has not created a long-term, sustainable situation in immigrant communities or sending countries so that immigration is safe, legal, orderly, and voluntary.

We will spend a lot of time discussing whether President Obama is to blame but very little time actually discussing why people come in the dead of night, holding onto a freight train, and running a gauntlet with smugglers and not what can be done to have immigration where people come in the light of day with visas, passports, and plane tickets.

We simply will not discuss how we get from this broken reality to a feasible and sustainable future of immigration. Rather, the Judiciary Committee will continue to feed the hucksterism and red meat politics that Americans hate, and they hate it with good reason.

In the years since 2007, when President George Bush started ramping up raids and deportations, right through the 2 million deportations of President Obama's, I can honestly say I have not seen such fear and anxiety in immigrant communities, where mothers and fathers are keeping their children out of school because of the fear of being arrested by immigration authorities.

The home raids announced by the Obama administration around Christmas have struck a nerve. They have sparked rumors and panic and have multiplied as city after city has experienced raids or the rumors of raids. Children are taken as they go to school—yes, as they go to school. The government has stopped them and has arrested them.

The fear and anxiety has nothing to do with Donald Trump or with the fantasy that he has of deporting millions

of immigrants or of barring people from this country because of their religion. The fear and anxiety is born of decades of congressional inaction and of leaders in Washington who hope that the problem will just go away; but we will not be discussing that at the hearing tomorrow.

As for the path forward that will allow the country to move beyond the legislative roadblock imposed by the opponents of legal immigration, we will, again, not discuss how we make progress but, rather, yes, how we blame Obama.

For all of the Americans who want a legal and accountable immigration system and for all of the families who fear a knock on their doors, this Congress, again, seems to have nothing and to do nothing other than to let the demagogues and fear rule the day.

Mr. Speaker, that is a shame.

IN RECOGNITION AND IN CELEBRATION OF THE WORK OF DR. ANGUS STEWART DEATON

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, I rise to recognize and to celebrate the tremendous work of Dr. Angus Stewart Deaton of Princeton, New Jersey, who was awarded the 2015 Nobel Prize in Economic Sciences. Dr. Deaton is a renowned academic, who is the Dwight D. Eisenhower Professor of International Affairs and Professor of Economics and International Affairs at the Woodrow Wilson School of Public and International Affairs and the Economics Department at Princeton University.

The Royal Swedish Academy of Sciences selected Dr. Deaton for the Swedish National Bank Prize in Economic Sciences in Memory of Alfred Nobel for his work regarding consumption, poverty, and welfare. The work is of critical importance to the entire world.

The Nobel Committee said in its selection announcement: ''The Laureate, Angus Deaton, has deepened our understanding of different aspects of consumption. His research concerns issues of immense importance for human welfare, not least in poor countries. Deaton's research has greatly influenced both practical policymaking and the scientific community. By emphasizing the links between individual consumption decisions and outcomes for the whole economy, his work has helped transform modern microeconomics, macroeconomics, and development economics.''

The Nobel Committee elaborated on its decision:

Dr. Deaton received this year's prize in Economic Sciences for three related achievements: the system for estimating the demand for different goods that he and John Muellbauer developed around 1980; the studies of the link between consumption and income that he conducted around 1990; and the work he has carried out in later decades on measuring living standards and poverty in developing countries with the help of household surveys.

Dr. Deaton is a man of the world. A native of Edinburgh, Scotland, he was educated as a foundation scholar at Fettes College and received his undergraduate, master's, and doctorate of philosophy degrees from the University of Cambridge, where he was later a fellow at Fitzwilliam College. He was a faculty member at the University of Bristol before coming to Princeton. He has studied and visited many nations, has used research and experiences from around the world to shape the direction of his work, and has written extensively on societal issues facing the global community.

His spouse, Dr. Anne C. Case, is the Alexander Stewart 1886 Professor of Economics and Public Affairs and Professor of Economics and Public Affairs at the Woodrow Wilson School and Economics Department at Princeton. She is also an accomplished and acclaimed faculty member who has published groundbreaking economic research. Angus Deaton has two adult children, and in their spare time, he and Professor Case enjoy the opera and trout fishing.

Dr. Deaton is a superb professor, mentor, colleague, friend, and Princetonian. He is extremely worthy of this preeminent international honor. My wife, Heidi, and I and my twin brother, Jim, are proud to call Angus and Anne our friends. It is a great honor to Dr. Deaton's country of birth, the United Kingdom, and to his adopted country, the United States of America, that he has received this year's Nobel Prize in Economic Sciences. It is also a great honor to Princeton University, whose motto is: ''In the nation's service and in service of all nations.''

On behalf of the Congress of the United States, I congratulate Professor Deaton. May he continue his momentous work for the betterment of the human condition in the many years that lie ahead.

FEDERAL GOVERNMENT TO MAKE STATE AND LOCAL GOVERNMENTS WHOLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the armed occupation by out-of-State invaders in eastern Oregon is now in its second month. There has already been violence, loss of life, damage to Federal property, and the total disruption of this small, quiet community in far eastern Oregon.

From this unfortunate and unnecessary spectacle, there are some lessons and conclusions to be drawn:

First and foremost, it must be made clear that the armed takeover of government or of private facilities for grievances real or imagined is absolutely unacceptable and won't be tolerated;

Second, while it is easy to be an armchair quarterback and second-guess the authorities, I think it is clear that a firmer response to the earlier Bundy law breaking in Nevada—owing the Federal Government over $1 million and resisting Federal authorities at gunpoint—might have prevented or at least not encouraged this latest outrage, which includes some of his family members coming to Oregon from Nevada;

This is a call to action for Americans who treasure our public spaces—our parks, our forests, our rangelands, our marine sanctuaries. These are treasures that belong to all Americans, and it is important for us to understand what we have and to understand what is at stake for forces that would threaten our heritage;

If America somehow decides to give up these treasures, as some demand, special consideration would not be given to the rich—putting it up for the highest bidder—or for people who just happen to be in the proximity. Special consideration should be given to the Native Americans, who ought to be first in line, who have been systematically shortchanged by the Federal Government, which has denied them their treaty rights, systematically taking away land that was promised to them by treaties that were negotiated—presumably in good faith—ratified by Congress, and signed by past Presidents;

And it is not just enough to enforce the law. We should recover damages from lawbreakers who tear up the landscape, degrade wildlife habitat, and destroy property.

I have introduced legislation that would allow the Federal Government—in fact, not allow, but require the Federal Government—to make payments to State and local governments that have had to incur significant costs because of threats to Federal property. H.R. 4431 would reimburse State and local officials for these extraordinary costs incurred due to threats to Federal property.

When we talk in trillions here in Washington, D.C., maybe talk of $100,000 here or $1 million there doesn't sound like very much.

□ 1015

To the State of Oregon it matters. And, for this tiny community, a few hundred thousand dollars has a significant impact on the local taxpayer and their services. They shouldn't be made to pay the bill.

I'm also working with Congressman THOMPSON, to close a loophole that would not allow us to recover for damages to Federal facilities by these lawbreakers, this legislation would allow the Federal Government to go back to recover its costs from people who willfully inflict this damage.

Let's act now, put this matter to rest, make the people in eastern Oregon whole, and discourage such reckless and dangerous behavior in the future.

EVERY STUDENT SUCCEEDS ACT WILL RETURN CONTROL TO OUR SCHOOLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last month I met with teachers, administrators, school board members, even educators in higher education that train our next generation of teachers and some graduate students who are in that program to discuss the Every Student Succeeds Act, or ESSA, which replaces No Child Left Behind as our Nation's elementary and secondary education law.

I was honored to be appointed by Speaker RYAN to the conference committee that was tasked with settling the differences between the House and Senate versions of ESSA to assure this legislation will prepare students for life success.

The ESSA reins in the unilateral power of the United States Secretary of Education and gives it back to the States and the local education agencies. It prohibits the Secretary from adding new requirements to State education plans, being involved in the peer review process, and exceeding his or her statutory authority. It also allows school districts to disentangle themselves from Common Core without penalty.

Additionally, the ESSA eliminates the controversial adequate yearly progress provision, paving the way for States to develop their own accountability systems. While the new law keeps annual standardized testing requirements for students in grade 3 through 8 in place to monitor progress, it eliminates most of the burden of testing on teachers and students and it sets up a process to further reduce even more standardized testing in the future.

While assessments for elementary schools must be the same for all public school students statewide, States may also choose. They have flexibility to offer nationally recognized local assessments at the high school level as long as the assessments are reliable, valid, and comparable.

In other words, a local education agency could use the SATs or ACTs to evaluate high school students instead of being held solely to tests mandated by the Federal Government.

Now, this flexibility should, could, and will be extended to career- and technical-education-focused students whose trade-specific competency is appropriately measured by the NOCTI performance test.

This flexibility will benefit our students and strengthen our overall economy. High school students will have increased access to pathways leading to careers in high-skill, high-wage jobs in technological industries.

The connection between education and our students' future careers is also enhanced by a provision in this law that encourages businesses to get involved with their local schools.

Schools will be able to apply for funds to provide apprenticeships that offer academic credit toward comprehensive career counseling.

Now, this was the result of bipartisan legislation I introduced with Congressman JIM LANGEVIN aimed at informing school counselors of local labor market conditions so that they can best guide the decisionmaking process of these students and their parents.

Not only does ESSA lift overly strict testing requirements, it also ends the Federal mandate on teacher assessments.

States will be able to enact their own evaluation system in accordance with stakeholders, including teachers, paraprofessionals, and their unions. The structure of their system will no longer be tied to Federal funding as it was in No Child Left Behind.

ESSA provides flexibility in the use of Federal funding, allowing teachers and district administrators to finance priorities set at the local level. This commonsense provision restores control to those on the front lines of educating our students and our children.

The ESSA also calls for the United States Department of Education to study how title I funds are allocated. Now, title I funds are used to offset the impact of poverty, one of the leading influences in the academic achievement of our children. I have long been concerned that the children are put at a disadvantage based upon the population of the school district rather than the concentration of poverty.

This study is the result of an amendment I introduced, which gained the support of the entire conference committee responsible for merging the House and Senate versions of the legislation.

Title I funds are vastly important to students who are low income, disadvantaged, or who have disabilities. I am hopeful this study will make a strong argument for a more equitable distribution of funds for the areas which need them most. Funding must be based on student need, not a school district's ZIP code.

The ESSA is 4-year reauthorization of the Elementary and Secondary Education Act. Feedback from those involved in educating our students is so essential to making the right changes to our education system, and I appreciate the feedback that came in this process as we succeeded in this reform.

Now, as these changes are put into practice, I want to hear from you. If a particular provision of the ESSA is having a great effect on your student or your school district, whether it is good or whether it is bad, Congress needs to know.

As the implementation of this new law begins, I will continue to travel across Pennsylvania's Fifth Congressional District, keeping our schools up to date on the change that was long overdue.

CLIMATE CHANGE—A TIPPING POINT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, 2015 was a landmark year for global climate change, and that is not a good thing. According to the National Oceanic and Atmospheric Administration, 2015 was our planet's hottest year on record. Last year the global average land surface temperature was 1.33 Celsius above the 20th century average, and 10 of the last 12 months tied or broke existing records for highest monthly global temperatures.

Despite the fact that climate science and research consistently display the reality of climate change, some of my colleagues still debate its validity in this very Chamber.

What is there to debate? More than 12,000 peer-reviewed, scientific studies are in agreement that climate change is real and humans are significantly to blame. For those of you keeping track at home, there are zero peer-reviewed scientific studies that state the opposite.

One of the primary concerns of these scientific studies is that climate change might trigger events that will dramatically alter the Earth as we know it. Scientists have discovered a number of tipping points where abrupt changes in climate could create a variety of national and global effects. It is hard to predict when these events could occur; but we know that when they do, we will have very little warning.

Reaching these critical points could lead to abrupt changes in the ocean, snow cover, permafrost, and the Earth's biosphere. Alarmingly, many of these events are triggered by warming levels of less than 2 degrees.

We now know that, in the latter part of this century, we will find the planet's temperature pushing not 2 degrees, but 4, 5, even 6, degrees Celsius of warming.

While it may seem minor, each degree makes a significant difference. A 2-degree shift in temperatures could lead to an increased rise in sea level by 55 centimeters. Levels have already risen by about 20 centimeters over the course of the 20th century, increasing flooding along coastlines, impacting people and properties. A 3-degree increase could impact water availability and accelerate drought and extreme heat waves.

Each of these conditions would negatively impact the production of major crops, like wheat and rice, leading to global food security risks.

Anything above a 4-degree increase would cause even more drastic consequences, such as extreme ocean acidification, a decline in glaciers, a change in ocean currents, and a nearly ice-free Arctic in the summer.

While the majority of the detected shifts are distant from major population centers, the implications will be

felt over large distances, creating significant economic and humanitarian consequences.

As with any abrupt change in the Earth's system, a cascade of other transformations will likely follow, each building upon and exacerbating the others. We could see a shift in ecosystems, the collapse of permafrost in the Arctic, and an extensive species loss. Each of these changes would trigger massive implications for the natural systems and society as a whole.

So what does all this mean? It means we must act now. As President Obama said in his State of the Union address: If you want to debate the science of climate change, feel free to do so, but you will be pretty lonely.

Today America's business leaders, the Pentagon, the majority of Americans, the scientific community, and nations around the world recognize that we cannot wait to act.

We saw evidence of this last year when more than 40,000 negotiators from 196 countries descended on the French capital for the Paris Climate Summit. The Summit provided the world with an effective global framework for addressing climate change, but our work is far from over.

It is time to recognize that the consequences of inaction are far too great. If my colleagues are willing to put political ideologies aside and recognize that acting on climate change is not just in our planet's interest, but in the interest of humanity, we may still have a fighting chance.

Albert Einstein once said: ''The world, as we have created it, is a process of our thinking. It cannot be changed without changing our thinking.''

Now is the time for Congress to change our thinking and address the reality of climate change.

ARMY SERGEANT RODDIE EDMONDS OF KNOXVILLE, TENNESSEE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, the word hero is used way too lightly these days, but an extraordinary man from my district was a true hero of legendary proportions.

During World War II, Army Sergeant Roddie Edmonds of Knoxville, Tennessee, was captured at the Battle of the Bulge by the Nazis and sent to a POW camp. When the war was nearing an end, the camp's commander ordered all of the Jewish prisoners to report for what they knew was certain death.

As the highest ranking American in the camp, Sergeant Edmonds called on all 1,000 servicemen imprisoned there to step forward.

The German commander explained: They cannot all be Jews.

Sergeant Edmonds responded, with a pistol at his head: We are all Jews here.

The German commander backed down.

Sergeant Edmonds has now been designated Righteous Among the Nations, Israel's highest award for non-Jews. He is the first American serviceman to receive this honor.

Much has been written about the Greatest Generation, Mr. Speaker. It is because of people like Sergeant Edmonds. His son was given this great award on behalf of his father at the Israeli Embassy last week.

I am introducing a bill requesting that Sergeant Edmonds be awarded a Medal of Honor posthumously.

Director Steven Spielberg has purchased the rights to Sergeant Edmonds' story, and I hope a movie about his life will come out in the near future. The story of his valor should be made known to all Americans.

FEDERAL AIR MARSHAL SERVICE

Mr. DUNCAN of Tennessee. Mr. Speaker, I want to go in a different direction at this point and mention another topic.

A couple of months ago, in interviews both by National Public Radio and CBS News, I described the air marshal program as possibly the most needless, useless, wasteful program in the entire Federal Government.

Shortly thereafter, the Los Angeles Times published an editorial entitled ''It's Time to Ground America's Air Marshals'' and said, ''Duncan has a point.''

The editorial pointed out that there is no data showing marshals successfully put down in-flight threats and added: ''In fact, passengers are apparently more likely to stop troublemakers on board than armed marshals.'' The Times said that air marshals are a placebo the country should stop taking.

I became concerned a few years ago about this when I read in USA Today that more air marshals had been arrested than arrests by air marshals. At that point, the Service was costing $200 million per arrest.

I was able to get the Appropriations Committee to start reducing their funding from a high of $966 million, after they had been given big increases each year, to $790 million this fiscal year.

Having airport screeners and simply locking aircraft doors have done much more good than the many, many billions we have spent just so air marshals can fly back and forth, back and forth, back and forth, usually in first class. This money is money that could and should be spent on much more cost-effective security measures.

In fact, Mr. Speaker, The Wall Street Journal, a few months after 9/11, when they noticed that almost every department and agency in the Federal Government was sending up requests for more money based on security, said a wise legislative policy to follow would be that, from now on, if any legislation came to the Congress with the word ''security'' attached, it should be given twice the scrutiny and four times the weight.

Unfortunately, we have wasted many, many billions on different programs in this country just because they had the word security attached. We need to take the advice of The Wall Street Journal and give those bills much more scrutiny.

□ 1030

CANCER IMMUNOTHERAPY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FOSTER) for 5 minutes.

Mr. FOSTER. Mr. Speaker, last month President Obama came to this Chamber to speak, inter alia, of a moonshot to cure cancer under the leadership of Vice President BIDEN. This week the President announced specific plans to invest $1 billion to fund that moonshot.

As a scientist and as the manager of large scientific projects, I am naturally inclined to be skeptical of such bold claims from politicians. President Nixon famously launched the same war on cancer in 1971. Tragically, we continue to wage that war today.

More recently, Andrew von Eschenbach, the director of the National Cancer Institute under President Bush, set the goal of eliminating suffering and death from cancer by 2015. We all know, unfortunately, that that goal was never met.

So why is this cancer moonshot any different? Is this a moment like 1961 when President Kennedy stood before a joint session of Congress and announced his goal of sending a man to the Moon by the end of the decade and succeeded? Or is this a moment like 1971 when President Nixon declared war on cancer and failed?

I believe that President Obama's cancer initiative will succeed, and the reason that it will succeed is brutally simple: Science, basic science and technology that exists today and did not exist 45 years ago; technology that was generated by decades of curiosity-driven federally funded research paid for by the United States taxpayer.

There are many decades of federally supported basic scientific advances that will allow the Obama-Biden cancer moonshot to succeed: The ability to fully genome sequence individual cancers, the ability to manipulate the genome and produce animal models to study and to test the basic mechanisms of cancer, and immunotherapy treatment, which was named Science magazine's breakthrough of the year in 2013 and has been capturing so many headlines around the world.

Immunotherapy is an ingenious and revolutionary treatment that uses the body's own immune system to fight cancer. Since time immemorial, there have been stories of miraculous remissions of cancer when patients with apparently incurable cancers have experienced spontaneous and often complete remissions. These were often attributed to an act of God or perhaps the moral character of the patient.

We now understand that for most, if not all, of these remissions that they happen when the body's immune system, which has evolved over millions of years of combat with foreign viral and bacterial invaders, finally understands that cancer is an enemy and has all the horsepower that it needs to attack and to clean it up. Immunotherapy now gives us the scientific understanding of how to mass produce those miracles.

This would never have been discovered without decades of sustained Federal investment in R&D, and although the breakthroughs in immunotherapy rest upon a large pyramid of federally funded research, there are two parallel threads of federally funded research that directly led to this breakthrough.

One was pioneered by Jim Allison, then of UC Berkeley, and Arlene Sharpe of Harvard Medical School. The other was pioneered by Lieping Chen of the Mayo Clinic, all three labs using Federal funds to study how the immune system is controlled and how it knows to kill foreign cells but not its own cells. This was a fascinating scientific question, but not one which was obviously relevant to cancer.

All three labs were sponsored by basic science peer-reviewed grants from the National Institutes of Health, which I mention, Mr. Speaker, because of the way that peer review seems to be coming under attack by members of your party. In the 1990s these groups were all working on what became known as immune checkpoints, which are regulatory pathways to turn down the immune system to prevent it from attacking its own body.

Even once this basic discovery was made, the established pharmaceutical companies would not touch it, but in 1999 Medarex, a small biotech in Princeton, New Jersey, funded by the National Institutes of Health, took on the project. Ten years later, only after Medarex was well on the way to showing that their cancer immunotherapy approach worked in humans, it was purchased by Bristol-Myers Squibb for $2.4 billion. Now there are many drug companies developing checkpoint inhibitor drugs to treat cancer as well as other immune system-related treatments for cancer.

So, as I mentioned before, the Obama-Biden cancer moonshot will likely succeed because of the technology and basic science that was generated by decades of curiosity-driven scientific research funded by the United States Government.

Mr. Speaker, I am the representative of U.S. citizens, but one who does not share your party's monomania about small government or a desire to keep our government small and indebted simply to provide low tax rates for wealthy donors because Americans know that small government does not accomplish great things, like sending a man to the Moon or curing cancer.

The following is a complete text of my remarks:

Mr. Speaker, last month, President Obama came to this chamber to speak, inter alia, of a ''moonshot'' to cure cancer, under the leadership of Vice President BIDEN. This week the President announced specific plans to invest one billion dollars to fund that ''moonshot.'' As a scientist, and as the manager of large scientific projects, I am naturally inclined to be skeptical of such bold claims from politicians. President Richard Nixon famously launched the same ''war on cancer'' in 1971. Tragically, we continue to wage that war today. More recently, Andrew von Eschenbach, the director of the National Cancer Institute under President Bush, set the goal of ''eliminating suffering and death from cancer by 2015.'' We all know, unfortunately, that goal was not met. So why is this ''cancer moonshot'' any different?

Is this a moment like 1961, when President Kennedy stood before a joint session of Congress and announced his goal of putting a man on the moon by the end of the decade—and succeeded? Or a moment like 1971 when President Nixon declared War on Cancer and failed?

I believe that President Obama's cancer initiative will succeed. And the reason it will succeed is brutally simple: science. Basic science and technology that exists today, and did not exist 45 years ago. Technology that was generated by decades of curiosity-driven scientific research—paid for by the United States Taxpayer. There are many decades of federally-supported basic scientific advances that will allow the Obama-Biden cancer moonshot succeed: the ability to fully genome sequence individual cancers, the ability to manipulate the genome to produce animal models to study and test the basic mechanisms of cancer, and immunotherapy treatment, which was named Science Magazine's breakthrough of the year in 2013, and which has been capturing so many headlines around the world. Immunotherapy is an ingenious and revolutionary treatment that uses the body's own immune system to fight cancer.

Since time immemorial, there have been stories of ''miraculous remissions'' of cancer, where patients with apparently incurable cancers have experienced spontaneous and often complete remissions. These were often attributed to an act of God, or perhaps the moral character of the patient.

We now understand that most, if not all, of these remissions happen when the body's immune system, which has evolved over millennia of combat with foreign viral and bacterial invaders, finally understands the cancer as an enemy, and has all of the horsepower it needs to attack it and to clean it up. And immunotherapy now gives us the scientific understanding of how to mass produce those miracles. But this would never have been discovered without decades of sustained federal investments in R&D.

Although the breakthroughs of immunotherapy rest on a pyramid of largely taxpayer-funded research, there are two parallel threads of federally funded research that directly led to this breakthrough. One was pioneered by Jim Allison, then of UC Berkeley, and Arlene Sharpe, of Harvard Medical School. The other was pioneered by Lieping Chen of the Mayo Clinic. All three labs were using federal funds to study how the immune system is controlled, how it knows to kill foreign cells but not its own cells. This was a fascinating scientific question, but not one that was obviously relevant to cancer. All three labs are supported by basic-science from the National Institutes of Health peer-reviewed grants. Which I mention, Mr. Speaker, because of the way that peer review is coming under attack by members of your party.

In the 1990s, they were all working on what have come to be known as immunological checkpoints, which are regulatory pathways that turn down the immune system to prevent it from attacking its own body.

Even once this basic discovery was made, the established pharmaceutical companies would not touch it. But in 1999, Medarex, a small biotech in Princeton, NJ, funded by the National Institutes of Health, took on the project. Ten years later, only after Medarex was well on the way to showing that their cancer immunotherapy approach worked in humans, it was purchased by Bristol-Myers-Squibb for 2.4 billion dollars. There are now many drug companies developing checkpoint inhibitor drugs to treat cancer, as well as other immune-system-related treatments for cancer.

So as I mentioned before, the Obama-Biden cancer moonshot will likely succeed, because of the technology and basic science that was generated by decades of curiosity-driven scientific research—funded by the United States Government. Or, funded by big government, Mr. Speaker, as your colleagues like to say. Funded by a big government, directed by a vast, unelected, overpaid, lazy, wasteful federal bureaucracy. A bureaucracy that will save millions of American lives. I often hear my colleagues on the other side of the aisle claim we don't need to make federal investments in R&D, because if it's worth doing, the private sector will do it. Immunotherapy is a perfect example of why that logic doesn't work.

The private sector took over, but not until researchers spent decades and millions of taxpayer dollars elucidating the basic science and proving this method could work.

I also hear my colleagues cherry picking studies that they can't make sense of and label them as wasteful spending, then trumpeting their success in cutting ''wasteful'' government spending. When the truth is those ''wasteful'' programs often lead to breakthroughs like immunotherapy. The cancer moonshot being led by Vice President BIDEN is likely to succeed, but only because of sustained investments in federal funding for research and development. As we work in the coming months to develop a budget, I hope my colleagues will keep this in mind. I am the representative of U.S. citizens, Mr. Speaker, but one that does not share your party's monomania about ''small government'', or a desire to keep government small and indebted simply to provide low tax rates for its wealthy donors. Because Americans know that small government does not accomplish great things, like sending a man to the moon, or curing cancer.

CELEBRATING RELIGIOUS LIBERTY AND CONSTRICTING INDIVIDUAL FREEDOMS

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, as I come to the floor this morning, I want to express appreciation for our 64th annual National Prayer Breakfast that takes place tomorrow. I think this is such a wonderful gathering that we

have every year, where our Nation focuses on praying for our Nation. I want to welcome my guests, Dr. and Mrs. Franklin Page, who will join us this week to recognize this time and to set aside time to celebrate our religious liberty and the individual freedom that becomes the focus of this week.

There is also another focus that comes into mind as we talk about this religious liberty. I want to take a moment and welcome and recognize the arrival of my new nephew, Grayson Lee Hunter. He is joining brothers Worth and Preston, his cousin Georgia Kate, and his cousins Jack and Chase, who are my grandsons. We know that being able to grow up in freedom is such a wonderful gift, and we are excited about that and excited about what individual freedom means to each of us.

I want to turn our attention now to something that constricts that freedom, and that is what we see through the President's healthcare law. Again, yesterday we came to the floor to push to repeal that law. This is something that we will continue. There is a reason for this.

Let me give you some examples. Last week I was out in my district. I visited with constituents who are employers. I want to cite three examples. One, an employer of 76 people, another an employer of 400 people, and another a franchise owner, 3,000 people that are in this group.

Let me tell you what I heard from each and every one of these individuals. Their employees, many of whom are my constituents, want to see a return to patient-centered, affordable health care. They do not want more Big Government and more unfunded mandates that they are being forced to deal with. It changes the kind of health care that they can get.

Now, when it comes to health insurance, what we have found is the escalation of cost to the individual because of what is happening with the mandate. The insurance cost has gone up, the out-of-pocket deductibles, all of this is going up. What we also see is a cramping of access because of narrowed networks.

Another thing that is happening is what is taking place through the oversight boards, the preventive service task forces. These could also be called some of those oxymoronic Federal agencies because instead of opening up the healthcare process, what we see is they are reducing what you have access to, and it is also a slowdown in payment reimbursements for so many of our Medicare recipients. That is what is happening in health care, and we are hearing about it from our employers.

Now, there are options that are out there. Let me cite just a couple for my colleagues. H.R. 2300, Empowering Patients First Act, that is the bill from Dr. PRICE, and also, special attention to, the Republican Study Committee plan, the American Health Care Reform Act. It is H.R. 2653. Leading this charge has been my Tennessee colleague Dr. PHIL ROE, who has worked with each of us as we have pulled provisions into this bill to make certain that we return to the principles of affordability, accessibility, and accountability in patient-centered health care. We think it is time for these moves to take place.

Mr. Speaker, I would like to return everyone's attention to the need to address the issue of replacing the ObamaCare legislation so that we reduce the cost and increase the access of health care for all Americans.

DR. OMALU'S DISCOVERIES AND ACHIEVEMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCNERNEY) for 5 minutes.

Mr. MCNERNEY. Mr. Speaker, I rise today to recognize the medical achievements and discoveries of an extraordinary man from my district, Dr. Bennet Omalu.

Dr. Omalu's medical achievements, focusing primarily on brain injuries, have recently come to prominence with the movie ''Concussion,'' which chronicles Dr. Omalu's career and the controversies that his discoveries have created within the National Football League. Dr. Omalu's medical research is also particularly relevant as we prepare to watch Super Bowl 50 this weekend.

Dr. Omalu was born in Nnokwa, Nigeria, and was the sixth of seven siblings. His mother was a seamstress, and his father was a mining engineer and respected community leader who encouraged Omalu's career in medicine. His long medical career began at the age of 16 when he started attending medical school at the University of Nigeria. Omalu earned a bachelor of medicine and a bachelor of surgery in 1990.

In 1994, Dr. Omalu moved to Seattle, Washington, and completed an epidemiology fellowship at the University of Washington. In 1995, he moved to New York to complete his residency training in anatomic and clinical pathology. After completing his residency, Dr. Omalu trained as a forensic pathologist at the Allegheny County Coroner's Office in Pittsburgh.

It was here, after conducting an autopsy on former Pittsburgh Steeler Mike Webster, that Dr. Omalu made a groundbreaking discovery that would forever change our understanding of brain injuries. Dr. Omalu was the first to identify and diagnose and name chronic traumatic encephalopathy. Chronic traumatic encephalopathy, or CTE, is a disease prevalent in athletes who participate in high-contact sports like football, boxing, and wrestling.

Since Dr. Omalu's discovery, we now know that CTE is a progressive, degenerative disease that is found in people who have suffered repetitive brain trauma, including subconcussive hits that do not show any immediate symptoms. Early symptoms of CTE are usually detected 8 to 10 years after the original trauma and include disorientation, dizziness, and headaches.

As the disease progresses, individuals with CTE can experience memory loss, social instability, erratic behavior, and poor judgment. The worst cases of CTE show symptoms of dementia, vertigo, impeded speech, tremors, deafness, slowing of muscular movements, and suicidal tendencies.

Dr. Omalu's continued research on brain injuries and CTE has given us a greater understanding of the long-term effects of repeated brain trauma.

According to the CDC, approximately 3.8 million Americans every year suffer from concussions and approximately 208,000 people seek treatment in emergency rooms for traumatic brain injuries.

□ 1045

Approximately two-thirds of those emergency room visits are children ages 5 to 18. The rate of recurrence with traumatic brain injuries is high. An athlete who sustains a concussion is four to six times more likely to sustain a second concussion.

Of course, CTE research will also apply to veterans who suffer from traumatic brain injuries from combat activity.

Dr. Omalu has advocated for more education among athletes who play high-contact sports, teaching them about the risks associated with repetitive brain trauma. He has committed himself to advancing the medical understanding of CTE, brain injuries, and their effects on the people who suffer from them.

Today, Dr. Omalu has eight advanced degrees and board certifications, including master of public health and epidemiology and master of business administration. He resides in Lodi, California, and serves as the chief medical examiner of San Joaquin County, California, and as a professor at the UC Davis Department of Medical Pathology and Laboratory Medicine.

The Bennet Omalu Foundation is committed to funding research, raising awareness, providing care, and finding cures for people who suffer from CTE and traumatic brain injuries. It is imperative, as a Nation, that we support research on CTE and brain injuries and figure out how much high-impact sports are affecting the health of our children and athletes. I ask my colleagues to join me in honoring the research and achievements of Dr. Bennet Omalu and all he has done to further the understanding of the human brain.

HUD OVER-INCOME HOUSING

The SPEAKER pro tempore (Mr. WOODALL). The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, I rise today in support of bipartisan legislation that the House recently passed, H.R. 3700, the Housing Opportunity Through

Modernization Act, and specifically section 103 that addresses a disturbing trend in taxpayer federally subsidized housing.

Last summer, HUD's inspector general published an audit revealing that over 25,000 recipients of taxpayer-supported housing actually exceeded the maximum allowable income to qualify for housing assistance. Importantly, roughly triple that number is on a wait list for housing. In fact, those on the wait list are economically qualified.

Worse, to pay for these over-income tenants, American taxpayers—you and I—are on the hook for $104 million next year. While hundreds of thousands of desperate low-income American families legitimately in need of taxpayer-supported housing today sit on those lists idly waiting for much-needed help, tens of thousands of over-income tenants sit in taxpayer-supported housing.

In one instance, a New York family with an income of nearly $500,000 is receiving taxpayer-subsidized public housing. In Nebraska, an individual with double the income limit and $1.6 million in assets is living in taxpayer-supported housing, paying $300 a month. In my home State of Florida, we have many cases as well.

It is very clear that eliminating this kind of waste, fraud, and abuse is the reason that we serve today. It is critical that we do so.

A combination of inadequate congressional directives and an indifferent Federal bureaucracy has let down the American people—the people who trust Congress to responsibly and effectively allocate tax dollars. It has also let down the low-income families on the wait list who are hoping for an opportunity to climb out of poverty.

I am pleased that the House acted responsibly yesterday to pass legislation to stop this failed policy. Section 103 of the Housing Opportunity Through Modernization Act sets clear requirements for HUD and, now, for local housing authorities.

Under this section, households currently in public housing whose income exceeds 120 percent of the median income level for 2 consecutive years will no longer be permitted to receive taxpayer assistance. Further, public housing authorities will be required to report annually to Congress and the American people on tenant incomes so that we might maintain proper oversight of this program.

These are reasonable reforms that bring accountability to a Federal program that desperately needs it, ensures a smooth pathway for over-income households to a reasonable transition off of taxpayer assistance, and should create new opportunities for those on the wait list.

I am also pleased to see that HUD is finally taking steps to address this matter. It is far too late, but at least they are. Just yesterday, the agency announced that it will consider a much-needed new rule to strengthen oversight of over-income tenancy in public housing.

Mr. Speaker, we should not rest until we can be sure that taxpayer dollars, those of the men and women who entrust us to represent them, are going to support only those American families most in need of assistance.

We still have much work remaining, but with passage of the Housing Opportunity Through Modernization Act, we have made a very important first step. Let us, together, hope that the Senate and the President will join with us in this important work on behalf of the American taxpayers that we represent.

AMERICAN HEART ASSOCIATION: GO RED FOR WOMEN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Mrs. BEATTY) for 5 minutes.

Mrs. BEATTY. Mr. Speaker, today I rise in support of the American Heart Association's Go Red for Women campaign.

The Go Red for Women campaign is a critical public awareness platform that the American Heart Association uses to help promote heart-healthy lifestyles. More than 627,000 women's lives have been saved from heart disease since the Go Red for Women campaign was created in 2004. We have made tremendous progress, Mr. Speaker, in the fight against cardiovascular disease, but we still have a long way to go.

Heart disease is the number one killer of women and is more deadly than all forms of cancer combined. Heart disease causes one in three women's death each year, killing approximately 1 woman every minute. Ninety percent of women have one or more risk factors for developing heart disease. Since 1984, more women than men have died from heart disease.

Heart disease is, unfortunately, a silent killer. According to the American Heart Association, nearly half of all women are not aware that heart disease is the leading cause of death for women.

For African American women, the risk of heart disease is especially great. Cardiovascular disease is the leading cause of death for African American women. Of African American women 20 years of age and older, 46.9 percent have cardiovascular disease; yet only 43 percent of African American women know that heart disease is their greatest health risk. In fact, I did not realize that I was at risk for stroke.

In 1999, I suffered a cerebral brain stem stroke. Because of my personal experience, I decided to be part of the solution. As this epidemic continues, I decided to not sit on the sidelines.

In 2000, I was elected to serve on the National American Heart Association Board of Directors. I was the only nonphysician or nonmedical professional on the board at that time. As a board member, I served as a leader, guiding the American Heart Association's mission, cultural sensitivities, and national efforts.

Here in Congress, my advocacy continues. As a member of the Congressional Heart and Stroke Coalition, my colleagues and I work to raise awareness about the prevalence and severity of cardiovascular disease.

Last Congress, I introduced two pieces of legislation that raise awareness for stroke and other cardiovascular diseases. One, the Return to Work Awareness Act, would assist survivors of stroke and other debilitating health occurrences in returning to work. Both pieces of legislation had the support of the American Heart Association and the National Stroke Association.

I will reintroduce, Mr. Speaker, these important pieces of legislation this month during American Heart Month. I encourage all my colleagues, Democrats and Republicans, to join me as an original sponsor.

Mr. Speaker, you will notice that many of our colleagues today will be wearing the red American Heart Association pin. By wearing this pin, we help raise the awareness of cardiovascular disease in women and provide an important reminder that it is never too early to take action to protect our health.

This month, American Heart Month, let us recommit ourselves to improving heart-healthy lifestyles and to continue to fight against this deadly disease for ourselves and our families.

Lastly, Mr. Speaker, I want to recognize all the survivors of heart disease and those who are battling heart disease. I salute their family members and friends who are their source of love and encouragement to them as they fight this disease, as well as my friend, American Heart Association CEO Nancy Brown, and all the healthcare professionals and medical researchers who are working to find cures to improve treatments.

Please join us. Sign onto my bill and support a healthy lifestyle.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Compassionate and merciful God, we give You thanks for giving us another day.

Bless the Members of this people's House with strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, and their wills with courage.

In the work to be done now, may they rise together to accomplish what is best for our great Nation and, indeed, for all the world, for you have blessed us with many graces and given us the responsibility of being a light shining on a hill.

On this feast of St. Blaise, may all Members be healed of every infirmity of their throat.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CONGRATULATIONS CAROL JOHNSON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week the National Safety Council honored Carol Johnson, president and CEO of Savannah River Nuclear Solutions, with their annual CEOs Who Get It award.

This award recognizes leaders who have built a positive safety protocol through leadership and employee engagement, safety management solutions, risk reduction, and performance measurement.

Ms. Johnson was recognized for her focus on safety SRNS, promoting a positive culture and continuously implementing safety measures at the site. She was commended by the Department of Energy for her role in recognizing and correcting safety errors.

This achievement represents Carol's strong commitment to prioritize safety for every employee and every task with fulfilling jobs.

I appreciate Carol's dedication to the employees of SRNS. Her focus on safety strengthens the community and makes the Central Savannah River area a world-class place to live and work. She has truly exemplified the goal of continuous improvement with zero harm. Congratulations to Carol on this well-deserved recognition and award.

In conclusion, God bless our troops, and may the President by his actions never forget September the 11th in the global war on terrorism.

STANDING WITH THE FAMILIES OF COLGAN FLIGHT 3407

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, next Friday will mark the seventh anniversary of the crash of Continental Colgan Flight 3407.

The cause of the accident was pilot error due to inexperience. The families of those who were lost fought for and won reforms that require pilots to be sufficiently experienced before they are entrusted with the safety of the flying public.

But regional airlines are trying to roll back these higher standards, claiming that they cannot find enough experienced pilots. That is simply not true. The airlines would see that if they increased starting salaries for pilots from $16,000 a year to a level commensurate with the responsibility they are given.

Yesterday the Western New York congressional delegation stood with the families to serve notice that we will relentlessly oppose any attempt to water down these reforms. We will honor those who died by ensuring that never again will our loved ones be entrusted with inexperienced pilots.

ISRAELI DEFENSE FORCE LIEUTENANT HADAR GOLDIN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday I had the honor of meeting Simha and Leah Goldin. They are the parents of Israeli Defense Force Lieutenant Hadar Goldin, and they have started the campaign Bring Hadar Home.

Hours after the declaration of the international brokered cease-fire to the 2014 Gaza conflict, Hamas terrorists murdered Lieutenant Goldin and dragged his body deep into one of the underground tunnels in Gaza.

A year and a half after this brave and patriotic young man's murder, the family still languishes in limbo, unable to give Hadar a proper burial because Hamas is holding his body hostage.

This was a cease-fire entered into by Israel at the urging of Secretary Kerry and the U.N., and they should bear some responsibility for securing Hadar's return home to Israel.

We have noticed how little Hamas regards human life by its indiscriminate rocket attacks against innocent Israeli citizens and by holding Palestinian citizens as human shields.

We must demand Hadar's return home and support the Goldin family in its efforts to give Hadar a proper burial and put an end to this nightmare.

D-STRONG

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to honor Dorian Murray, an 8-year-old boy from Westerly, Rhode Island, who was diagnosed with a rare tissue and bone cancer. After learning in December that his disease was no longer treatable, Dorian told his father that his goal was to become famous all around the world.

In recent weeks, after his parents posted his request on Facebook, the world has responded. People in China, Italy, Brazil, Germany, and other countries have come together to post their messages of support for Dorian during his courageous fight against cancer.

Dorian's hashtag, #DStrong, has now been viewed on social media platforms by millions and millions of people.

I am keeping Dorian, his mom Melissa, and his dad Chris in my thoughts and prayers.

Today the United States House of Representatives is D-Strong.

MIKE MIRON—FARMER OF TOMORROW

(Mr. EMMER of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to celebrate Mike Miron of Hugo, who recently won the Young Farmers and Ranchers Excellence in Agricultural national competition at the American Farm Bureau Federation's annual meeting.

Mike is the fifth generation to work in his family's dairy and crop farm. In addition, he is also a high school teacher and Future Farmers of America adviser in Forest Lake, Minnesota.

Agriculture is one of the more important sectors of the American economy. Thanks to farmers who are educators, like Mike Miron, my State of Minnesota is a national leader in agriculture.

We need to celebrate the hard-working men and women who contribute to agriculture in Minnesota and all across this Nation.

Thank you, Mike, for what you have done and what you continue to do for agriculture today and tomorrow, and congratulations for your Excellence in Agriculture.

BENEFICIAL OWNERSHIP BILL

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, this Sunday ''60 Minutes'' highlighted an explosive undercover investigation by Global Witness, which showed just how easy it is for criminals and corrupt officials to use anonymous shell companies to bring dirty money into the United States.

The reason it is so easy is because States don't require the disclosure of the true beneficial ownership of shell companies. This is unacceptable, and it has to stop. As Global Witness stated, ''anonymous shell companies are like getaway cars for crooks.''

That is why I am reintroducing a law, along with my good friend and colleague, Representative PETER KING, which would require that the person creating the corporation say who the beneficial owner is and, also, to explain who really owns the company.

If States do not require and get this information, then, as a backstop, the United States Treasury will have this information before an account can be opened.

This is a commonsense, bipartisan attack on what is a major national security and law enforcement issue.

I urge my colleagues to join us in passing this important legislation.

THE IMPORTANCE OF AGRICULTURE

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Mr. Speaker, I rise to draw attention to the important role that agriculture plays in this country.

I am honored to serve in a district in which agriculture represents the largest employer and is responsible for $11 billion in economic impact.

It is why, during my time on the House Agriculture Committee, I was proud to help craft a new farm bill that delivers modern, more conservative policy for our farmers.

That is why now, as a member of the Appropriations Committee, I have remained diligent in making sure that the promises we made in the farm bill are kept.

We faced a challenge last year in the crop insurance program when it was gutted in the budget. This is the system that we promised our farmers to help transition away from direct payments.

Cutting it was unfair. I was proud to help restore that program funding before the end of the year, but it demonstrated something of a disconnect.

Mr. Speaker, not everyone in Congress represents a district with such a large agricultural footprint. What I try to explain to my colleagues is that, when you mess around with the crop insurance program, you aren't just affecting farmers who put seed in the ground.

You are affecting the ones who sell the seed, who build the equipment to cultivate and harvest the crop, and those who help process the goods for their final products.

That farming dollar turns over many times, and there is an entire agriculture supply chain that is affected by the farm policies we set in Congress.

My farmers know I have their back and I always will as long as I am in Congress.

GO RED FOR WOMEN CAMPAIGN

(Ms. GRAHAM asked and was given permission to address the House for 1 minute.)

Ms. GRAHAM. Mr. Speaker, today I rise in support of the American Heart Association's Go Red for Women campaign.

Heart disease and stroke cause one in three deaths among women each year, killing approximately one woman every 80 seconds. The troubling numbers are more than a statistic. They are a fact of life that cause unnecessary pain and suffering to families across our country.

I say unnecessary pain and suffering because we have the power to change it. We can save lives. As much as 80 percent of heart disease and stroke-related deaths can be prevented with education and action.

That is why I am standing to raise awareness and encourage my fellow members and constituents across north Florida to Go Red by participating in National Wear Red Day on Friday.

Wear something red, like this jacket, to show your support for women fighting heart disease and strokes. Together, we can save lives.

ZIKA RESPONSE AND SAFETY ACT

(Mr. STEWART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEWART. Mr. Speaker, yesterday the World Health Organization declared the Zika virus outbreak a global public health emergency.

The virus is particularly dangerous to pregnant women as it has been linked to serious physical and neurological defects in their unborn children. As the father of six children, I understand how frightening this could be.

Experts fear the virus will spread more widely to the United States, especially with the Olympic Games in Brazil on the horizon. That is why I have introduced the Zika Response and Safety Act, to ensure that key agencies have the resources necessary to combat this growing threat.

In 2014, Congress allocated more than $2 billion to fight Ebola. Much of that money is still unspent. I would like to make some of that funding available to be used to combat the Zika virus.

This virus is a global health threat that requires our immediate attention. I urge my colleagues to support the Zika Response and Safety Act so that we can provide the necessary resources to understand and to prevent the harmful effects from Zika.

□ 1215

WE NEED TO PROPERLY MANAGE WATER

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise to bring attention to the failure of California State agencies and Federal agencies to properly manage California's water system as a result of the El Nino storms that we have been receiving.

El Nino years, like this one, are California's hope of digging out of the historical drought conditions that we are facing. There is very high likelihood that most of the State will experience flood conditions, while communities in the San Joaquin Valley that I represent will receive a zero water allocation.

This year we have already missed an opportunity to move significant amounts of water to regions of California that need it most in the San Joaquin Valley.

As a result of the State and Federal agencies' inability to operate in the most flexible range allowable, over 160,000 acre-feet of water has been lost this week alone and over half a million acre-feet has been lost this year. Meanwhile, an estimated total of 2 million acre-feet of water has gone out to the ocean.

State and Federal agencies are failing to take advantage of the water in the system today, and that is unacceptable. It is a disservice to all Californians. It is simply immoral.

HONORING AMBASSADOR GARY DOER

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to honor the Honorable Gary Doer, the outgoing Canadian Ambassador to the United States.

Canada is one of our Nation's longest and greatest allies. Our bilateral trade with Canada was nearly $734 billion last year alone, and it supports over 9 million jobs. In fact, my home State of Michigan sells more goods to Canada than our next 12 largest trading partners combined.

Over the last 7 years, Ambassador Doer has built a long list of accomplishments, including improved U.S.-Canadian regulatory cooperation, advocating for the Congressional Gold Medal for the Devil's Brigade, and the

repeal of burdensome country of origin labeling requirements.

Mr. Speaker, I am grateful for Ambassador Doer's personal friendship to me and his relentless service to Canada and his friendship with the United States. I wish him well in his future endeavors.

As chair of the U.S.-Canada Interparliamentary Group, I look forward to working with Canada's incoming Ambassador, David MacNaughton, to further build on our Nation's great partnership.

NATIONAL CATHOLIC SCHOOLS WEEK

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, this is National Catholic Schools Week. I want to recognize the outstanding contributions that Catholic schools make to our Nation.

As a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep, and as a strong supporter of Catholic education, I have introduced H. Res. 592 to honor Catholic Schools Week.

Since 1974, this week has celebrated the important role that Catholic education plays in America, especially the dedication of Catholic schools to academic excellence and service. This year's theme—Communities of Faith, Knowledge, and Service—highlights the values that are central to a Catholic education.

Earlier this week I visited St. Joseph's School in Lockport, which has the distinction of receiving three national awards in the past 6 years, including awards for Pastor Father Greg and Principal Lynne Scheffler. Later this week I look forward to visiting Bridgeport Catholic Academy and St. Barnabas School, both in Chicago.

I applaud the work of these and other Catholic schools across the country and all they contribute to our great Nation.

HONORING COACH GLENN ROBINSON

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today in honor of Coach Glenn Robinson of Franklin and Marshall College in Lancaster.

For 45 years, since he was only 25 years old, Coach Robinson has been leading the F&M Diplomats to victory. Coach Robinson is the winningest coach in the history of Division III basketball. He is now only the third college basketball coach ever to win 900 games, behind only legendary Bobby Knight of Indiana and Philadelphia's Bob Magee.

Four times he has broken his own school record for best record in the season, 12 times he has been named Region Coach of the Year by the National Association of Basketball Coaches, 12 times he has been Conference Coach of the Year, he has once been Division Coach of the Year, and he has won 93 postseason victories, 42 NCAA tournament victories, including 16 trips to the Sweet 16, 10 trips to the Elite 8, five trips to the Final 4, and one national championship appearance.

True leadership is servant leadership, the kind that finds people's strengths. Coach Robinson is an exemplary leader, and the proof of that is that he brings out the best in his players, 25 of whom have gone all-American.

Coach Robinson is one of the greatest coaches in college history, and Lancaster will always be rightly proud of him.

WE MUST FIX OUR BROKEN IMMIGRATION SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, with one item, the American people speak with a single voice. They want Congress to tackle our broken immigration system, secure our borders, and restore the rule of law. Yet here we are, more than halfway through the 114th Congress, and not a single immigration bill that fixes the problem has even been brought to the floor or committee or passed.

We hear Presidential candidates on both sides of the aisle tapping into the enormous public sentiment that says stop what you are doing and fix our broken immigration system. There are 11 million people or more in our country illegally. The rule of law has been made a mockery of, families are being torn apart by ICE and DHS at great cost to taxpayers. Let's fix our immigration system.

Comprehensive immigration reform will save over $200 billion, create hundreds of thousands of jobs for Americans, secure our borders, and restore the rule of law.

What is not to like? Let's come together around finally fixing the problem rather than simply complaining about it.

HONORING DAVID LAWSON, ROCHESTER VOLUNTEER FIREFIGHTER

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. Mr. Speaker, I rise today to recognize and pay tribute to a brave individual in my district. Rochester volunteer firefighter David Lawson was returning home from an early-morning medical call last month when he hit a deer. While the accident only caused minor damage to his vehicle, it delayed his trip home. While he was driving, he saw smoke coming out of the vents of a nearby property.

He called 911. He headed to the house and began banging on the front door to wake up the residents. He woke up the adults. The adults grabbed the four kids, and they got out safely. We later found out the fire started in the attic, which is why it did not set off smoke detectors.

David Lawson's courage and resolve to protect the residents of northern Indiana is truly remarkable. On behalf of the people of Indiana's Second Congressional District, I want to personally thank David and every brave man and woman who represent Indiana's finest first responder community for their collective service and commitment to protecting all of our loved ones.

REMEMBERING THE LEGACY OF SACRIFICE AND SERVICE OF DAVID MAURITSON AND PHIL DRYDEN

(Mr. BYRNE asked and was given permission to address the House for 1 minute.)

Mr. BYRNE. Mr. Speaker, I rise today to remember two remarkable individuals who tragically died Monday evening in a plane crash in Mobile County, Alabama.

Major David Mauritson of Fairhope and Lieutenant Phil Dryden of Gulf Shores were members of the Civil Air Patrol, and they were returning from a compassion flight to Baton Rouge where they helped transport a fellow citizen for medical care when their plane went down.

David Mauritson had been a member of the Civil Air Patrol since 1991 and worked for years as a cardiologist and a lawyer. He had been flying all his life and was committed to helping others through charity medical flights.

Phil Dryden served our country in Vietnam as a combat medic. He had just joined the Civil Air Patrol last year and served as the Mobile squadron's assistant operations officer.

Mr. Speaker, one day our time on this Earth will draw to a close. When that day comes, we will be remembered not for what we had, we will be remembered for what we did.

David Mauritson and Phil Dryden left this world helping others. The legacy of service and sacrifice is how they will always be remembered.

On behalf of Alabama's First Congressional District, I offer my deepest condolences to their families. These great Americans will be sorely missed.

IRAN NUCLEAR DEAL

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, as part of the Iran nuclear deal, the Iranian regime will receive up to $150 billion in sanctions relief. Secretary of State John Kerry has admitted that some of

the sanctions relief will go to the Iranian Revolutionary Guard Corps, which provides funding and training to terrorist groups like Hezbollah and Hamas. The Revolutionary Guard Corps is also responsible for supporting Shia militias that killed American troops and are currently fueling sectarian tensions in Iraq.

Like most of my colleagues in Congress, I opposed the Iranian deal and continue to believe it will not guarantee a nuclear weapons-free Iran.

But the simple fact that this deal has moved forward should not be an excuse for allowing sanctions relief to benefit terrorists.

Yesterday the House passed a commonsense bill that prohibits President Obama from removing sanctions on foreign financial institutions that are doing business with Iran's Revolutionary Guard Corps. I urge immediate adoption of this legislation.

We also need to deal with the victims of Iran's terrorism—Americans who were subject to terrorism by Iranian actions. Out of the $150 billion, up to $40 billion of awarded money should be received by these people because of this action.

The Obama administration has already made too many of these concessions. We can still prevent sanctions relief from ending up in the pockets of terrorists.

THE CORPUS CHRISTI CROSS

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Mr. Speaker, last weekend I attended the groundbreaking of the tallest cross in the Western Hemisphere and the second tallest cross in the world that is going to be built in Corpus Christi, Texas, my hometown, by the Abundant Life Fellowship under the leadership of Pastor Rick Milby.

Wrought of five-eighths inch cold-rolled steel, the Corpus Christi cross will be visible for miles along Interstate 37 and to flights coming into and departing from the Corpus Christi International Airport. Standing at 210 feet tall, and possibly taller, depending on fund-raising success, the Corpus Christi cross will be the largest cross on this side of the Atlantic Ocean.

Corpus Christi is the perfect setting for the tallest cross in the Western Hemisphere because Corpus Christi, translated from Latin, means ''the body of Christ.'' The cross, a symbol of hope, will be located directly across Interstate 37 from the Coastal Bend State Veterans Cemetery. What better location is there for a reminder that Christ died for our sins than next to the resting place of those who fought for our freedom.

Good work, Pastor Milby, Abundant Life Fellowship, and everybody else in Corpus Christi supporting this project. God bless you all.

DEFENDING THE UNBORN

(Mr. GRAVES of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Louisiana. Mr. Speaker, last month Washington, D.C. was home to the March for Life, and thousands of Americans came from all across the country to attend it. The State of Louisiana was disproportionately represented with hundreds of folks from our State, Louisiana being one of the most pro-life States in the Nation, one of the highest percentages of churchgoers, and one of the highest percentages of believers in America.

The term ''sanctity of life'' gets thrown around a lot when we start talking about pro-life versus pro-choice in political debate, but it is more than a slogan. Its relevance transcends the issue of life in our country.

Human dignity is the foundational principle of freedom and human flourishing. A substantive application of the sanctity of life should inform all our efforts in this Chamber, on both sides of the aisle.

I am pro-life because I believe that all human beings, at every stage of life, every state of consciousness or self-awareness are of equal and immeasurable worth and dignity.

I applaud and join the efforts of my colleagues to defend the unborn, those who can't defend themselves, but I also call upon both political parties to respect and value the dignity of human existence at all stages of life, from the womb all the way to life's natural conclusion. I believe we all have an obligation to the fundamental principle of human dignity.

As we consider important issues like criminal justice reform, the War on Poverty—policies designed to help people improve their quality of life—let us engage in political debates with this in mind.

DEMANDING ACTION TO CRACK DOWN ON VISA OVERSTAYS

(Mr. MARCHANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARCHANT. Mr. Speaker, according to a recent report by the Department of Homeland Security, nearly 500,000 foreign nationals overstayed their visa in fiscal year 2015. This is unacceptable and dangerous. These people are breaking the law, and they have violated the trust of the American people.

Visa overstays are an ongoing failure by this administration. Approximately 12 million illegal immigrants now live in our country. An estimated 40 percent can be attributed to visa overstays. Now there are a half million more.

ISIS is working tirelessly to exploit our national security weakness. Meanwhile, the administration is turning a blind eye to the vast majority of visa overstays.

Half a million foreign nationals overstayed their visas last year, but less than 1 percent of that group is currently being investigated. I have written Secretary Johnson to demand that immediate action be taken to crack down on these visa overstays. This issue poses a clear risk to our safety and the safety of my constituents.

□ 1230

THANK YOU TO FAMILY FIRST CENTER

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, today I rise to recognize the Family First Center in Waukegan, Illinois, for their contributions to the Toys for Tots program.

The Toys for Tots program, as you know, was created by the U.S. Marine Corps. Each and every year, they collect toys to distribute to less fortunate children during the holidays.

The Family First Center of Lake County, under the direction of Dr. Evelyn Chenier, has been a huge partner with the Toys for Tots program. Just last year, they distributed nearly 75,000 toys to over 19,000 children in the Lake County community.

Toys for Tots is just one of the numerous programs with which the Family First Center is involved. For example, last summer, I hosted a job fair with the Family First Center that helped connect job seekers in Lake County with many of the businesses that call our community home.

The Family First Center's success is an inspirational example of a community organization putting families first and bringing about positive change in our community. I offer my sincere thanks to the Family First Center and Dr. Chenier for their leadership to strengthen our community.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2016 at 11:02 a.m.:

That the Senate passed S. 2306.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 1675, ENCOURAGING EMPLOYEE OWNERSHIP ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF H.R. 766, FINANCIAL INSTITUTION CUSTOMER PROTECTION ACT OF 2015

Mr. STIVERS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1675) to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-43. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 766) to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-41. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 hour.

Mr. STIVERS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. STIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STIVERS. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule for H.R. 1675, the Encouraging Employee Ownership Act of 2015, and for H.R. 766, the Financial Institution Customer Protection Act of 2015. House Resolution 595 provides for a structured rule for consideration of both H.R. 1675 and H.R. 766.

The resolution provides 1 hour of debate equally divided between the chair and ranking member of the Committee on Financial Services for H.R. 1675 and H.R. 766. Additionally, the resolution provides for consideration of all seven amendments which were offered to H.R. 1675, and two of the three amendments offered to H.R. 766. Finally, Mr. Speaker, the resolution provides for a motion to recommit for each bill.

Mr. Speaker, I rise today in support of the resolution and the underlying legislation. H.R. 1675 is a vehicle for a group of five legislative items, and I will speak about each one of them briefly by title.

Title I, the Encouraging Employee Ownership Act, would amend SEC rule 701, which hasn't been modified since 1999.

Although small companies are at the forefront of technological innovation and job growth, they often face significant obstacles that are often attributable to the proportionately larger burdens on them that securities regulations—written for large public companies—place on small companies when they seek to go public.

SEC rule 701 permits private companies to offer their own securities as part of written compensation agreements to employees, directors, general partners, trustees, officers, or even certain consultants without having to comply with very expensive and burdensome security registration requirements. SEC rule 701, therefore, allows small companies to reward their employees through employee stock ownership in a company. These ESOPs have been very successful.

The $5 million threshold in rule 701 has not been adjusted since 1999. If the disclosure threshold had been adjusted for inflation, it would be more than $7 million today. The SEC has authority to increase the $5 million disclosure threshold via rulemaking, but like the 500 shareholder rule that we had to fix—and my colleague from Colorado was very active in helping with—rule 701 has not been changed. It is unlikely to happen without congressional intervention. That is why this is so important.

This is about getting employees access to ownership in their companies. It is about building ownership structures that make these companies stable over time. It allows businesses to incentivize their employees with a direct stake in the ownership in their company. It will help with employee retention, makes sure that these firms have great opportunities for retirement programs, and helps employees reap some of the benefits of their life's work that they worked so hard for every day.

I will give an example, Mr. Speaker. There is a company in my district called Allied Mineral. I talked about this, as my colleague from Colorado may remember, yesterday in the Rules Committee.

Allied Mineral is a company in Hilliard, Ohio, that has an ESOP, or employee stock ownership model, and many of those folks who operate forklifts in their warehouse will retire with over $1 million in their 401(k). It really helps these folks want to stay in their company; therefore, it improves retention and cuts down on training new

employees, but it helps them in their retirement. It is a great vehicle to make these companies productive and stable, as well.

That is title I. Title I is really important. Title I is pretty universally agreed to.

Title II, the Fair Access to Investment Research Act, directs the SEC to create a safe harbor for certain publications or distributions of research reports by brokers or dealers distributing securities, such as exchange-traded funds.

An exchange-traded fund is an investment company whose shares are traded intraday on stock exchanges at market-determined prices. Investors can buy and sell exchange-traded funds through a broker or in a brokerage account, just as they would any other publicly traded company.

Over the past three decades, exchange-traded funds have grown from 100 funds with about $100 billion in assets to over 1,300 funds worth $1.8 trillion in assets. However, due to anomalies in our securities laws and regulations, most of the broker-dealers don't publish research about these exchange-traded funds, despite their growth in popularity.

The SEC has implemented similar safe harbors to what this bill would suggest for other asset classes, including listed equities, corporate debt, and closed-end funds. This section will help investors get access to useful information when deciding whether to invest in exchange-traded funds and similar products.

Title II, I think, is also pretty agreed to.

Title III, the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act, amends the Securities Exchange Act to exempt merger and acquisition brokers from registration with the Securities and Exchange Commission. Merger and acquisition brokers perform services in connection with the transfer of ownership of mostly smaller privately held companies.

An estimated $10 trillion of privately owned companies will be sold or traded as baby boomers retire and folks want to figure out what to do with their life's work and how to move their company in a way that the company can continue to exist. But it is important for us to reduce the costs associated with this flow of capital because the registration with SEC for these M&A brokers can be very expensive.

M&A brokers currently help successful entrepreneurs take the capital out of their company and maybe move on to the next phase of their life, while simultaneously aiding new entrepreneurs in the ability to invest their capital in the continued success of their company. They foster economic development, growth, and innovation.

Despite the valuable services of these M&A brokers, the compliance costs for this new regulation with the SEC and FINRA can be very expensive. For each individual broker inside an organization, it can cost $150,000. Ongoing costs are about $75,000 a year.

Let's say somebody does four deals a year. Deals take a little while to happen, and they are not going to do a ton of deals. A small firm might do that few number of deals. If you do four deals a year, the first year you have just added $75,000 to the cost of each deal.

□ 1245

That is too high. It is causing problems. We need to make sure that we streamline this and allow these small companies to have access to the same type of access to capital that our big companies have.

The limit in this is up to $250 million in sales. As many people in this Congress know, up to about $500 million in sales is what we call middle-market companies.

Middle-market companies dot the maps of each one of our districts. These middle-market companies aren't necessarily names you might recognize or the American people would recognize, but they are the fastest growing part of our economy. They are major employers in our communities, and they deserve access to capital, just like the big companies do.

So that is why title III is so important. It will relieve some of the fees for these merger and acquisition brokerage houses that help these companies get access to capital.

Title IV, the Small Company Disclosure Simplification Act, provides a voluntary exemption for emerging growth companies, again, with annual revenues up to $250 million from the eXtensible Business Reporting Language.

Basically, it is exportable files. The data is still available. The point here in title IV is that the data will be available, but it might not be in a downloadable format that you can put in a spreadsheet. You might have to look at it in a PDF.

Investors look at a lot of things in PDF. I can look at PDFs on my phone, and it won't deny anybody information. But the cost of this new format is adding up to $50,000 in costs for these small companies. The question is: Does the cost really meet the benefit?

So it allows an exemption for these small companies. And, again, it is an optional exemption. It is not a mandatory exemption. It doesn't end this downloadable program, but it allows these small companies to be more flexible in the way they do it because of the cost.

Title IV requires the SEC to report to Congress on the XBRL requirements so that it can better analyze and understand how to utilize XBRL and structure data moving forward.

Finally, we have title V, the Streamlining Excessive and Costly Regulations Review Act, in the Securities and Exchange Commission. It actually is built on some executive orders. Title V is modeled after executive orders that the President did last year.

It would force the independent agencies and require the Federal Reserve, OCC, and FDIC to review regulations at least every 10 years and identify any outdated and unnecessary regulations that are imposed on depository institutions.

We need to do the same thing for the SEC. That is what this does. I think it will help streamline and make sure that paperwork is more reasonable over time, especially for duplicative, outdated, and overly burdensome regulations.

So that is H.R. 1675.

The other bill is H.R. 766, the Financial Institution Customer Protection Act.

You may have all heard about Operation Choke Point, where law enforcement, the Department of Justice, partnered with a lot of other agencies. Their plan was to ''choke off'' banking services from businesses that they found undesirable.

Rather than investigating and prosecuting companies that were alleged to have committed crimes like fraud and any other misdeeds, the Department of Justice issued subpoenas to financial institutions to ask about entire industries and effectively coerced financial institutions to cease offering banking services to many of those industries.

The Department of Justice partnered with the FDIC, the Federal Deposit Insurance Corporation, to identify merchants that they said posed high risk for consumers, notwithstanding the question of whether these merchants were operating under the law or illegally.

In doing so, the FDIC equated legitimate and regulated industries, such as coin dealers, firearms and ammunition sales industries, with inherently illegal activities, such as Ponzi schemes, debt consolidation scams, and drug paraphernalia.

So that is the real problem here, that they didn't separate out legal businesses with illegal businesses. If they want to do something with regard to businesses that are already illegal and make sure that those folks can't get access to banking services, that is a legitimate thing.

But the way they identified high risk made a lot of legal businesses lose their access to financial services. They were terminated by their banks and they had, in many cases, no place to turn.

This is a blatant overreach by our Federal regulators. And many of us, including me, believe this bill is an important step to make sure that businesses that are legally operating have confidence that they will have access to banking services. That is the key here.

This last section of this last bill makes sure that legally operating businesses have access to legal banking services and that the banks can't be intimidated by their regulators to make sure that legally operated businesses don't have access to banking services.

I look forward to debating these bills with our House colleagues. I urge support for both the rule and the underlying legislation.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to this rule today because it is close—it is close—to a rule that would have substantial bipartisan support.

The rule today provides for consideration of H.R. 1675, the Encouraging Employee Ownership Act of 2015, and H.R. 766, the Financial Institution Customer Protection Act of 2015.

In terms of process, there is some credit to be given under this rule. The rule was very close, with one major fault, which I will discuss in detail, to fulfilling the promises laid out by the new Speaker of the House of Representatives.

As you might recall, Mr. Speaker, there was a promise to all Members that each Member of this body would have a chance to consider his or her ideas on the House floor through a more open amendment process.

And you know what? That is a good idea.

Of course, if it was an idea that didn't have a majority of support, that is fine. But there would be a vote. We could debate it. We could vote on it.

If ideas came to the floor, were debated and considered worthy by a majority of this body, they would pass. Even if a particular committee chair of jurisdiction didn't like the bill, even if leadership on either side didn't like the amendment, the will of the body could be heard for commonsense improvements.

Now, this promise of regular order is so simple, so attractive, so desirable, by the American people who let us do our job, yet, unfortunately, it still remains elusive.

Now, on the first bill here today, H.R. 1675, the Encouraging Employee Ownership Act, there were seven amendments submitted to the Rules Committee, four of which I was a cosponsor of.

I am proud to say all seven amendments were made in order to be considered on the House floor. If that was all that this rule contained, I would be proud to support that rule.

In addition to that, H.R. 1675 is actually good legislation. Look, any one of us can say we don't personally agree with every word, and there are amendments to address some of the deficiencies in the bill.

But in its total, it is a package that should be considered for an affirmative vote by Members of both parties. I am confident that it will have strong bipartisan support in the underlying bill.

It promotes and makes needed updates in employee ownership, which is a great form of corporate governance that I think each Member of this body should support. We have companies in my district that use it.

The legislation also clears away red tape for small- and middle-market companies, which my good friend from Ohio (Mr. STIVERS) spoke about here on the floor as well as in the Rules Committee.

I do believe that one of the bill's titles, in its current form, takes away and reduces market transparency in the wrong direction.

But I am proud to say, Mr. Speaker, we have amendments that will be considered today by Mr. ISSA and Mr. ELLISON, as well as cosponsored by myself, that would address that matter—to encourage transparency in financial markets—because financial markets are predicated on as-close-to-perfect information as we can achieve and step towards perfect information, enhance the efficiency of markets; steps away from perfect information, decreased efficiency of markets.

Now, the second bill, H.R. 766, unfortunately is a piece of legislation that again addresses a real need, but I can't support it.

Again, I would be proud to vote for the rule if it included a simple amendment which I will be talking about in a moment. But, unfortunately, the process through the Rules Committee shut that down.

I want to be clear. H.R. 766 takes a look at a critical, legitimate issue, the issue of the Justice Department and Operation Choke Point.

Now, unfortunately, what it does is it goes too far in limiting the tools that are available to DOJ to combat actual illegal activities, like Ponzi schemes, banking fraud, and situations where the banks themselves are complicit in committing the alleged fraud.

It also fails to deliver on what Mr. STIVERS indicated its goal was, to allow legally operating businesses to access the banking system.

It fails to deliver on that because, while there were nine amendments that were made in order, a critical amendment offered by my colleagues, Mr. PERLMUTTER of Colorado and Mr. HECK of Washington State, was not allowed, an amendment that would have furthered the goal of this bill to allow legally operating businesses to access banking services.

It was a germane amendment. There were no points of order. In fact, a majority of the Members of this body have supported this amendment, in full or in part, in various floor votes in earlier times.

A majority of this body supports a real-world solution to a real-world problem, not just one we face in Colorado, but many States face. The fact that legal, legitimate marijuana-related businesses cannot interact with legitimate banking institutions is an enormous problem for economic growth and a security risk.

It is a problem for law enforcement that we hear from police and sheriff departments back home every day, and it is a problem for the safety of our communities.

It is simply not acceptable to meet the standard of an open and transparent process that the Speaker has promised to eliminate from even consideration and a vote, this very important amendment that addresses the accessibility of banking services to companies that are engaged in a legal State business. For 23 States and the District of Columbia, this is an enormous problem right now.

To be clear, what we are talking about is not just people who run medical marijuana dispensaries, but also highly regulated growing operations. Even farmers producing industrial hemp are turned away from opening bank accounts, cannot accept credit cards, have to haul around large amounts of cash to pay their employees every day, placing themselves and their employees at enormous risk of physical assault and robbery, as well as detracting from the very law enforcement ability to trace transactions that our law enforcement officials are clamoring for.

Due to Congress' inaction, hundreds of businesses in Colorado and 22 other States are forced to operate on a dangerous, untrackable, cash-only system that raises serious public safety concerns, increases tax fraud, and is an enormous burden on our economy.

Now, those are facts that are not in dispute. I know that there are many Members on both sides of the debate about how we should treat hemp and marijuana, whether they should be legal or illegal. That is not the issue.

The issue is that 22 States and the District of Columbia have chosen to legalize it under State law. It is illegal under Federal law. We are not debating that here now either. That is fine. That wouldn't be germane for this bill, to say let's legalize it federally. That is not even what we are talking about here.

What we are talking about is, in the States that it is legal, it is absolutely critical from even a law enforcement perspective—even if you want it to continue to be illegal federally—that the interactions are through our normal banking system in a traceable way.

These are facts that are not in dispute. My good friend from Ohio knows these issues. In the lead-up to Ohio's possible consideration of legalization, I am confident that many Ohioans had conversations with law enforcement, walking through officials on the issue of making this a cash-based business.

That was a significant issue in the Ohio election and in other States.

□ 1300

The issues of taxation and recordkeeping are critical. But do you know what, that points to the necessity of this legislation. Do you know what, Mr. PERLMUTTER's amendment would likely have passed this body with Republican and Democratic support. It would have won a majority of bipartisan support this week. It is not the job of the Rules Committee to pick

winners and losers. If it is particularly objectionable for the Rules Committee to abuse its power to kill a measure that has demonstrated a bipartisan level of support, that is not an appropriate use of the discretion of our committee or our chair to have their personal opinions guide what amendments are forwarded to this body for full consideration.

What else can Members do? We write thoughtful amendments that solve real-world problems in our State. We garner support for these amendments year by year talking to Republicans and Democrats. And then what, it just dies because we can't get it to a floor vote? How is that an open and transparent process? It is not.

Mr. PERLMUTTER and Mr. HECK are fighters. They will keep working on this. We will win this debate eventually. This is simply a speed bump in making sure that we address this issue for which there are no legitimate arguments on the other side regardless of where one stands on the legal treatment or regulation of substances that are currently classified.

We should have won this week with this debate. This type of bipartisan work should be rewarded in this body, and the 23 States and the District of Columbia that face this issue deserve better. This amendment had no drafting error. There was no political gimmick to it. It wasn't nongermane. It didn't even rewrite in any substantial way the underlying bill. It was perfectly consistent. It wasn't even controversial. I can't understand why it didn't deserve consideration by this body—not even a 10-minute debate, not even a 1-minute debate.

Will the gentleman from Ohio amend the rule to allow at least a 1-minute debate on this amendment? I will yield for a ''yes'' or ''no.''

Reclaiming my time, I think the gentleman from Ohio won't even allow a 1-minute debate. The gentleman from Ohio said he wanted legally operating State businesses to have access to banking services which is the very purpose of this bill. It is a great shame that we cannot fix this issue now. Because you know what, otherwise I give credit to the gentleman from Ohio and my colleagues on the Rules Committee for allowing 9 of 10 amendments to be considered on the House floor under these two bills.

This is the rule that I am coming closest to supporting of any rule that we have debated thus far in the 114th Congress here on the floor, but because of this one glaring deficiency which prevents, through an open and transparent process, a real-world problem that Democrats and Republicans agree need to be solved from being addressed in any appropriate bill in an appropriate way, I cannot recommend to my colleagues that they support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. STIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like quickly to respond to what the gentleman referred to, and he did change some of my words. I said that these are legally operating businesses. Mr. Speaker, by the gentleman from Colorado's own admission, these are not federally legal businesses. They are illegal under Federal law. Marijuana is illegal in U.S. Code 21, section 812. The gentleman knows that.

Maybe we should debate whether marijuana should be legal under Federal law. If he wants to debate that, that is okay. But this is a recognition for banking services of businesses that are operating lawfully under both Federal and State law, not ambiguous businesses that are legal under State law but illegal under Federal law. At the most, these businesses are ambiguous, but clearly they are illegal under Federal law. I didn't say businesses that are operating legally under State law in my comments. I said legally operating businesses. That means under Federal and State law.

We live in a Federal republic with a State and a Federal Government. If something is illegal under Federal law, under U.S. Code 21, section 812, then it is illegal. Those businesses are not legally operating businesses. That is the distinction. That is why the amendment from Mr. PERLMUTTER and Mr. HECK was not allowed, because these businesses—drug-related businesses—are illegal under Federal code. That is the reason we are not debating that amendment here.

I would say to the gentleman's point earlier where he wanted a minute of debate, I think he has gotten more than a minute on both sides on this. So he has done pretty well.

I yield 4 minutes to the gentleman from Georgia (Mr. COLLINS), a fellow from the Rules Committee.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate my friend from Ohio for the time today.

Mr. Speaker, I rise today in support of House Resolution 595 providing for consideration of H.R. 766, the Financial Institution Customer Protection Act and H.R. 1675, the Encouraging Employee Ownership Act of 2015. I strongly support this rule and the underlying measures.

H.R. 766 is a vitally important response to the administration's unacceptable executive overreach through Operation Choke Point. Operation Choke Point is another example of the administration's circumventing Congress. It is a disturbing abuse of authority to achieve politically motivated results, and the fine folks in northeast Georgia have made it clear that they won't stand for it.

Under the program, the Justice Department and Federal financial regulators have coerced banks and other financial institutions into cutting off relations with legal businesses simply because the administration does not like them.

The administration has painted a target on certain industries ranging from payment processors and short-term lenders to gun and ammunition stores to other small businesses. Again, it is the administration who has decided under the guise of customer protection to target entire industries simply because they deem them offensive.

This is not the way the government is supposed to operate, and it is time we prevent it from happening. I have had the opportunity to meet with some of the hardworking individuals in the industries affected, and it is clear action is needed.

A few weeks ago I met with several members of the electronic payments industry. This is an industry that promotes innovation, is rapidly growing, and plays a large and important role in Georgia's economy. To give you an idea of the enormity of this industry, the electronic consumer spending is projected to exceed $7.3 trillion in 2017. Yet the administration has been increasingly exerting pressure on this industry. They have increasingly tried to make the payments industry responsible in part for the misdeeds of bad actors in other segments of the industry.

Possibly even more disturbing, by forcing payments processors and banks to assume the role of regulators and police the industry for bad actors, known or unknown, the administration is promoting discrimination of legal businesses if they belong to a certain industry that isn't supported by the White House's political agenda. What has happened to fairness under the law? It is amazing to me. The administration is choking legitimate businesses off from needed capital and other resources by painting them with a scarlet letter, and they are burdening the payments industry by trying to use it as a means to carry out their own dirty work.

Another industry long targeted by Operation Choke Point is the gun industry. As Americans, we have a constitutional right to bear arms under the Second Amendment. Just this week I had the privilege of visiting Honor Defense, a gun manufacturer located in my hometown of Gainesville, Georgia. I talked with the owner, toured their facilities, and assembled actually one of their fine firearms.

These are hardworking American businesses operating legal businesses. The administration doesn't like this industry, though, so they have painted a target on their back. This is not right. We should be encouraging businessowners to grow their businesses and celebrating their success, not trying to force them out of business.

Stories of industries and legitimate small businesses that have been targeted are widespread. It is time for this to stop. The government has a legitimate role in protecting consumers and preventing fraud. But that necessary role should not be abused to achieve political goals. Financial regulators should not be able to target legal businesses by choking off their lines of

credit and forcing them out of business.

Mr. Speaker, Operation Choke Point is misguided and politically motivated, and it is time we rein it in to protect small businesses and legitimate enterprises of hardworking Americans.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up a bill to help prevent mass shootings by promoting research into the causes of gun violence and making it easier to identify and treat those prone to committing violent acts.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. To further discuss our proposal, I yield 4 minutes to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I thank my colleague.

Mr. Speaker, I rise in opposition to the previous question. If we defeat the previous question, Mr. POLIS will be able to offer an amendment to the rule to bring my Gun Violence Research Act to the floor for an immediate vote.

My Gun Violence Research Act would lift the over 19-year-old ban on the Centers for Disease Control and Prevention with respect to objectively studying the health aspects of gun violence.

Former Republican Congressman from Arkansas, the Honorable Jay Dickey, who was the author of the CDC ban, has gone on record regretting his decision—expressing that the prohibition was rooted in partisan politics, not sound public policy.

With well over 32,000 Americans killed by gunshots per year and roughly 88 Americans killed every day—every day—gun violence is undoubtedly a public health crisis that necessitates attention.

I represent Silicon Valley, and I have seen firsthand the role and value objective research plays in expanded knowledge and informed decisionmaking.

Research on gun violence should not be controversial or partisan. It is a commonsense tool to help us understand why tens of thousands of our fellow citizens are being killed every year by gunshots.

Without being able to adequately understand why the problem is occurring, we are unable to effectively tackle our Nation's gun violence epidemic and protect the American people whom we represent.

This is why I urge my Republican colleagues to allow a vote on this critical legislation and lift the ban on desperately needed gun violence research. When we understand the problem, we can make informed public policy decisions to keep Americans safe without eroding the Second Amendment and demonizing the millions of law-abiding gun owners.

Mr. Speaker, I urge a ''no'' vote on the previous question.

Mr. STIVERS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROHRABACHER). He is a member of the Foreign Affairs and Science, Space, and Technology Committees.

Mr. ROHRABACHER. Mr. Speaker, I rise today in support of the underlying rule and in support of H.R. 1675, a bill that aims to lessen many of the regulatory burdens that employers currently experience. Of particular interest to me and of interest to working men and women throughout America is title I of the bill entitled Encouraging Employee Ownership Act of 2015. This title would make it easier for private employers to grant their employees with greater ownership stake in their own companies without having to disclose certain sensitive information.

The consideration of the bill is but the latest in a long history of actions taken by the Federal Government to promote an ownership society. President Jefferson recognized ownership of private property as the keystone of a free society. President Lincoln pushed for, and Congress delivered, the Homestead Act of 1862 which has proven to be one of the most important manifestations of Jefferson's vision of a broad-based ownership property society. More recently, President Reagan supported employee stock ownership, labeled it ''the next logical step, a path that benefits a free people.''

In the near future, I will reintroduce legislation that incentivizes employee ownership even further than we currently have it by treating as tax-free any broad-based distribution of employer stock that is held by the employees for a certain period of time. Yes, it would be ESOPs on steroids. We would dramatically increase the amount of employee ownership in our country and all the benefits that go with that.

I would ask my colleagues to consider my bill. It will be proposed probably next week. My proposal is simple and easy to understand. No team of lawyers or accountants would be needed to be hired in order for an employer to participate in this expansion of employee ownership of his or her company. As such, it has great potential to give a shot in the arm to many small upstart companies that do not have significant sums of cash to offer employees or to attract the very people who actually have the skills necessary for their new company to succeed, but instead have an idea that if an employee is willing to work hard and make a company grow, prosper, and succeed that that company's benefits would be shared with the employee.

Mr. Speaker, I urge my colleagues to consider joining me in support of the working people of this country by giving them the opportunity to achieve the American Dream and make employees partners instead of adversaries to management.

One of the things in this bill that we are talking about today is taking a step forward in employee ownership. I certainly support that. The legislation I will propose takes another step.

I would like to congratulate my friends who have been involved with this bill today.

Mr. Speaker, I ask my colleagues to support the rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California. I look forward to discussing with him his bill next week and seeing whether it is something that I can support.

I strongly believe in encouraging employee ownership through ESOPs options. This bill does part. We can do a lot more. It is a big thing that we can do to address the increasing income disparities that this country has in making sure that workers can participate in capital formation and capital growth along with owners and executives. We look forward to working with the gentleman on that bill and contacting the gentleman as well.

The gentleman from Ohio said that somehow legal operating businesses must have access to banking resources, the goal of this bill. He said, oh, wait a minute, I mean Federal ones not State ones, not Federal not State. This is where you have a difference. Of course, you won't have any disagreement that there is an ambiguity here with regard to types of businesses that are legal at the State level and are not legal federally. But this is where you will find that most Democrats believe very strongly in States' rights.

□ 1315

Most Republicans believe here, with the exception of the other gentleman from California who just spoke and a number of others who would allow a majority to support this bill, but apparently the gentleman from Ohio believes in an overarching Federal definition telling States what they can and can't do indirectly through the banking system, effectively constraining their ability to allow banks to serve businesses that might sell types of firearms that are illegal federally, or types of marijuana or hemp or other products that might be illegal federally. Effectively, they are arguing that the Federal Government should tell them what to do and impose a one-size-fits-all solution on States that are as diverse as Texas and California and Colorado and North Dakota.

I disagree with that premise, as do most of the Democrats here today. We feel that while this body, of course—and I agree with the gentleman—

should continue with the discussion about the regulatory structure of legal treatment of cannabis products federally, that should in no way, shape, or form stand in the way of a simple fix that says, whether you want it to be legal or illegal, transactions should be traceable, safe, through the banking system for businesses that are legal at the State level.

Let me address H.R. 1675, the Encouraging Employee Ownership Act, also being named the Capital Markets Improvement Act. It is a good piece of bipartisan legislation that I think can be made even better through the amendment process.

Title I of this bill, which will revise the SEC's rule 701 by raising and indexing for inflation the threshold under which companies can issue stock to employees without running into government red tape, is a commonsense, good piece of legislation. I hope it is something that most of my colleagues on both sides of the aisle agree with. I am an early cosponsor of this legislation, and I think we should promote and applaud the structure, the indexation, and, of course, allowing employees to have a stake in their companies.

That is not the only solution. The gentleman from California (Mr. ROHRABACHER) might have some other ideas I look forward to discussing, as do I. But if you want to help solve some of our Nation's issues with income inequality and the wealth gap, then we should applaud and promote companies that incorporate employee stock or option ownership.

Whether you issue stock in the manner under this bill or whether you operate in ESOP or any of the other forms that allow workers to benefit from the growth of your company, we should find ways to work together to promote and encourage this style of corporate governance.

Title II is a safe harbor for investment research, a bill that will help improve available market information for investors and something that has broad bipartisan support. I know my colleague from Delaware (Mr. CARNEY) will also be pleased to see this pass, as an original sponsor.

My colleague from Ohio, who is a cochair with me of the Congressional Caucus for Middle Market Growth, spoke yesterday and today about how this overall package of legislation will help grow companies in the all-important middle market. This is Main Street America. These are companies that might not be big enough to be multinational, multibillion-dollar brand names, and they are not startups or small companies, but it is the engine of our economy, the portion of the market that is a vital piece of our economic engine creating jobs on Main Street.

Title III of this bill will work to reduce red tape for these very middle market companies.

These provisions have broad bipartisan support, and I applaud them. The SEC has largely agreed with this. In fact, the only argument against it has been we already do this, and I think that is a weak argument because we ought to put it in statute. The SEC has agreed and has taken action, but, unfortunately, some of their actions have added in some increased investor impediments as well.

I hope the administration can work with Congress to improve this bill if there are specific issues they have with it. But the bill is necessary. It is better to fix things in statute. I think that we can work together to reduce red tape to grow small- and middle-sized companies.

Title V of the bill is another bipartisan piece of legislation that is in line with the sort of regulatory review that we already ask in many agencies. It is the sort of good government legislation I think both sides of the aisle can find agreement on and hopefully support now.

Title IV of H.R. 1675, unfortunately, is a bit of a step in the wrong direction, and it is something we discussed extensively in the committee yesterday. Fortunately, for this provision, there was an open process. Mr. ISSA and Mr. ELLISON have amendments that will be considered that improve the portion of the bill or remove it entirely. Unfortunately, the bill, as written, is a move away from searchable financial reporting that can be done digitally. It is a step away from sortable and downloadable formats. It is a return to the pen and paper and inefficient world of the 20th century rather than a step forward to the open data transparency world of the 21st century.

Across the board, market participants, investors, and regulators want information that is already required—we are not talking about any new requirements—information that is already required, financial information, to simply be available in a digital, searchable format. That is all we seek to preserve and not eliminate.

It is an odd and outdated use of government resources to deal with this information by hand, by pen, by paper. It puts investors and others at an enormous disadvantage, and it prevents and reduces the amount of information in the marketplace. Searchable and sortable data can be better used to track trends, find anomalies, find investment opportunities, and help regulators notice trouble spots in markets and hopefully catch the next Enron before it explodes.

Just as importantly, investors need information. So do entrepreneurial folks, who want to take this information and package it in new and interesting and exciting ways and sell it on to institutional and individual investors. We heard yesterday from detractors who said investors aren't asking for this information.

We also heard that the committee didn't include any investors in their testimony; they only included operating companies. I am not sure who they are speaking for; but in my conversations, I have never heard any investor say, ''I want less information,'' or, ''I want information to be harder to search or find.'' No investor says, ''I want to know less about a company's earnings. I want it to be in an archaic pen and paper format.'' That argument that this information isn't welcome by investors is simply incorrect, and it is counter to anything you will ever hear from anyone in the investment community.

Hopefully, we will fix these issues through amendment. Overall, I believe this package should merit serious consideration and support from my colleagues on both sides of the aisle.

H.R. 766, the Financial Institution Customer Protection Act, does address a very important issue, and that is the inexcusable actions of Operation Choke Point, which, at best, could be described as an overzealous use of the Department of Justice's power, or, at worst, as a pernicious attempt to root out activities that are determined to be politically unpopular.

Unfortunately, as we examine this bill, it looks like it has some unintended consequences which are not addressed through the amendment process. The amendment process also fails to include a simple amendment that would further the goals of this bill with regard to the regulated marijuana industry in 22 States.

I hope that we can address the Operation Choke Point issue. I hope we can prevent this administration and future administrations from engaging, having DOJ engage in this kind of troublesome use of authority to coerce closures of accounts for otherwise legitimate and legal customers of local financial institutions.

If a bank or credit union has a legal business, it is legal in the State, they deem it creditworthy, they are a good customer and they want to open an account with them, they should be able to serve that customer. The Federal Government should not use the bank itself as an intermediary in a dispute. If the DOJ has a dispute with a bank's customer, that should be resolved between the DOJ and the customer, not the bank.

I hope that there is groundwork for bipartisan legislation in this area that can ensure that this President and future Presidents and the future Department of Justices do not abuse their authority in this area.

One real-life, everyday issue where this concept comes up of the Department of Justice and the Federal Government interfering with the bank working with its legal customer would have been addressed by the Perlmutter amendment that I spoke about earlier. It is not just a Colorado issue. Frankly, if this bill addressed that issue, despite it being overarching in other areas, I would probably support it.

Thus is the importance of this issue from local law enforcement in our State. But, unfortunately, not even a

minute, not even a second of debate is allowed on the issue. The gentleman from Ohio claimed that we were having that debate.

To be clear, we are not. We are debating the underlying rule. There is no time for the sponsors of the amendment to make their case or for opponents of the amendment to make their case. We are outlaying the time for other amendments. Many amendments have 10 minutes; many amendments have more. There is not even a second for the debate of that amendment sponsored by Mr. PERLMUTTER. That is why I cannot support this rule.

213 million Americans live in a State or jurisdiction where the voters have allowed for some legal marijuana use. Colorado tried to solve the problem locally, but we were rejected by Federal banking regulators in courts, so Congress needs to be the one to make this change. Only Congress can address this issue.

While there remains a need to align Federal and State laws, while the DOJ and Treasury have issued some guidance, some institutions are providing banking services to the DOJ and Treasury guidance issues, the guidance does not solve the problem, which is why we need to change the law and provide certainty, which this very simple amendment that has bipartisan support and likely would have passed on the floor would have done. But it is completely shut down under this rule even though it furthers the actual goal of the legislation, is germane to the legislation, is consistent with the legislation, and yet it is completely shut down in a closed process that runs contrary to the Speaker's stated goal of allowing Members on both sides of the aisle to contribute to making things better.

I reserve the balance of my time.

Mr. STIVERS. Mr. Speaker, I yield myself such time as I may consume.

I would like to address two quick points made by the gentleman.

With regard to H.R. 1675 and exportable data, the gentleman tries to claim that this data will not be available. It will be available in scanned-in information, so you can still look at it and see it. It is not pen and paper data the way he alleges. It is still very accessible on the electronic systems. It is just not exportable data.

The question is: Is that exportable data worth the $50,000 cost for these small companies? It is only a few small companies that will benefit from being relieved from this burden because the cost is more than the benefit.

Secondly, the gentleman continues to ignore the fact that marijuana businesses are not legal under Federal law. If he wants to have the debate about whether they should be legal under Federal law, we should have that debate. That is not germane in this bill.

What we are talking about are legal businesses that are legal under Federal and State law, not ambiguous businesses that are only legal one place or the other. In our Federal system, there is both a Federal and a State component. If he wants to debate making marijuana legal at the Federal level, that is legitimate; it is just not germane in this bill. This is for businesses that are legal at the State and Federal level.

I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), who is a distinguished member of the Committee on Oversight and Government Reform that had a lot of hearings on Operation Choke Point.

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman from Ohio for yielding and for his leadership on this important issue.

Mr. Speaker, I rise today in support of H.R. 766, the Financial Institution Customer Protection Act of 2015.

Over the past several years, the Obama administration's Department of Justice has strong-armed the financial industry in an attempt to cut off payment processors, short-term lenders, gun and ammunition stores, and other companies from banking services simply because they do not like their line of business.

Operation Choke Point is just another example of this administration trying to advance its radical leftist agenda through executive power overreach with a disregard for Americans' due process rights. In effect, these businesses are being treated as if they are guilty until proven innocent.

The bill before us today prevents Federal bureaucrats from abusing their executive power to prevent legitimate businesses from using depository banks. It also requires written justification of any request to terminate or restrict a business' account, unless the business poses a legitimate threat to national security.

In the First Congressional District of Georgia that I represent, we have a large, multi-State licensed consumer finance company that services more than 1,000 new customers every day. This is just another example of this administration working to limit economic growth and Americans' free will.

I urge my colleagues to support this bill so we can put an end to this administration's unconstitutional actions and restore the rule of law.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

In closing, I appreciate the committee of jurisdiction's work and the Rules Committee's work to make 9 out of 10 amendments submitted in order today—that is 9 out of 10. But I have to reiterate again that the one that is most important to not only my home State, but the jurisdictions in which 213 million Americans live—22 States plus the District of Columbia—is omitted from consideration in its appropriate, germane bill.

I strongly object to the unnecessary gatekeeping of the Rules Committee and what they have engaged in and the way that they have treated this excellent idea and real-world solution from Mr. PERLMUTTER and Mr. HECK.

Access to banking services is an issue of fundamental importance for all businesses, as the proponents of this bill have argued. Do you know what? That includes State legal marijuana businesses. Just because some Members of Congress—and they are in the minority, by the way, and they are decreasing every day—object to the very existence of these businesses does not mean that they should obstruct the entire legislative process and shut down our ability to make it possible for these businesses to exist, grow, and succeed.

□ 1330

The Perlmutter-Heck amendment is a germane, thoughtful solution to a real-world problem, and I hope this House will atone for its error today by swiftly taking up legislation—and there is a stand-alone bill—to solve this banking issue once and for all.

This was a discussion that we had in our committee yesterday, but, unfortunately, it is a discussion that we are not allowed to have on the people's floor of the House of Representatives. There is not an amendment that would have somehow legalized or have made any judgment about the legality or the morality of marijuana. It simply would have addressed a banking issue that both proponents and opponents of marijuana law reform agree needs to be addressed. Now, I am happy to have that conversation about how we should treat marijuana federally at a separate point. That is fine. I have legislation to regulate marijuana like alcohol, and others have other ideas.

Those who are following at home need to know that the Perlmutter-Heck amendment is not that discussion. It was germane to the bill we were discussing, and it, frankly, gets at the issue of why our banks are being used as a chokepoint for doing business with otherwise legal and legitimate customers as determined by the States.

Mr. Speaker, for these reasons, while I support one of the two underlying bills—and I would like to be here to support the other if it would simply deal with the urgent issue of 213 million Americans who live in jurisdictions that face it—I urge my colleagues to vote ''no'' and defeat the previous question and to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. STIVERS. Mr. Speaker, I yield myself the balance of my time.

I appreciate the gentleman from Colorado's points.

These two bills are great bills. The first bill helps to preserve and to incentivize employee stock ownership. It decreases burdensome regulations so as to allow these middle market companies, which I talked about earlier, to have access to capital and to continue to grow, and it ensures that entrepreneurs can have access to the capital markets in an affordable and efficient way.

H.R. 766 addresses legal businesses. Again, I want to stress ''legal'' businesses. The gentleman from Colorado,

Mr. Speaker, I think, would welcome the day of the Articles of Confederation. He wants to ignore that we have the State and the Federal governments. He wants the States to just make decisions and not allow the Federal Government to do anything. If marijuana is illegal at the Federal level, that is a fact. If he wants to have the debate about making marijuana legal at the Federal level, we should do that. That is not germane to this bill.

These businesses are, at best, ambiguously legal, and they are clearly illegal at the Federal level. So let's clear up the ambiguity. Then they can have the same access that other legal businesses have, like gun dealers and automotive dealers and short-term lenders, which are already legal at both the State and Federal levels. They need access to banking services. H.R. 766 makes sure they will continue to have access to banking services.

There are some amendments that I will be supporting and that others will be supporting. Make one's mind up on the amendments, but I think both of these bills are important. I urge my colleagues to support the rule and the underlying bills.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 595 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3926) to amend the Public Health Service Act to provide for better understanding of the epidemic of gun violence, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3926.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. STIVERS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption, if ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 176, not voting 17, as follows:

[Roll No. 55]

AYES—240

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—176

Adams	Garamendi	Napolitano
Aguilar	Graham	Neal
Ashford	Grayson	Nolan
Bass	Green, Al	Norcross
Beatty	Green, Gene	O'Rourke
Becerra	Grijalva	Pallone
Bera	Gutiérrez	Pascrell
Bishop (GA)	Hastings	Payne
Blumenauer	Heck (WA)	Pelosi
Bonamici	Higgins	Perlmutter
Boyle, Brendan F.	Himes	Peters
	Hinojosa	Pingree
Brady (PA)	Honda	Pocan
Brown (FL)	Hoyer	Polis
Brownley (CA)	Huffman	Price (NC)
Bustos	Israel	Quigley
Butterfield	Jackson Lee	Rangel
Capps	Jeffries	Rice (NY)
Cárdenas	Johnson (GA)	Richmond
Carney	Johnson, E. B.	Roybal-Allard
Cartwright	Kaptur	Ruiz
Castor (FL)	Keating	Ruppersberger
Chu, Judy	Kelly (IL)	Ryan (OH)
Cicilline	Kennedy	Sánchez, Linda T.
Clark (MA)	Kildee	
Clarke (NY)	Kilmer	Sanchez, Loretta
Clay	Kind	Schakowsky
Cleaver	Kirkpatrick	Schiff
Clyburn	Kuster	Schrader
Cohen	Langevin	Scott (VA)
Connolly	Larsen (WA)	Scott, David
Cooper	Larson (CT)	Serrano
Costa	Lawrence	Sewell (AL)
Courtney	Lee	Sherman
Crowley	Levin	Sinema
Cuellar	Lewis	Sires
Cummings	Lieu, Ted	Slaughter
Davis (CA)	Lipinski	Speier
Davis, Danny	Loebsack	Swalwell (CA)
DeFazio	Lofgren	Takai
DeGette	Lowenthal	Takano
Delaney	Lowey	Thompson (CA)
DeLauro	Lujan Grisham (NM)	Thompson (MS)
DelBene		Titus
DeSaulnier	Luján, Ben Ray (NM)	Tonko
Dingell		Torres
Doggett	Lynch	Tsongas
Doyle, Michael F.	Maloney, Carolyn	Van Hollen
		Vargas
Duckworth	Maloney, Sean	Veasey
Edwards	Matsui	Vela
Engel	McCollum	Velázquez
Eshoo	McDermott	Visclosky
Esty	McGovern	Walz
Farr	McNerney	Wasserman Schultz
Fattah	Meeks	
Foster	Meng	Waters, Maxine
Frankel (FL)	Moore	Watson Coleman
Fudge	Moulton	Welch
Gabbard	Murphy (FL)	Wilson (FL)
Gallego	Nadler	Yarmuth

NOT VOTING—17

Amodei	Deutch	Loudermilk
Beyer	Ellison	Rush
Capuano	Fleming	Sarbanes
Carson (IN)	Hahn	Smith (WA)
Castro (TX)	Herrera Beutler	Westmoreland
Conyers	Hice, Jody B.	

□ 1352

Ms. SPEIER changed her vote from ''aye'' to ''no.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JODY B. HICE of Georgia. Mr. Speaker, on rollcall No. 55, I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. LOUDERMILK. Mr. Speaker, on rollcall No. 55, I was unavoidably detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 175, not voting 16, as follows:

[Roll No. 56]

AYES—242

Abraham	Graves (MO)	Palmer
Aderholt	Griffith	Pearce
Allen	Grothman	Perry
Amash	Guinta	Pittenger
Ashford	Guthrie	Pitts
Babin	Hanna	Poe (TX)
Barletta	Hardy	Poliquin
Barr	Harper	Pompeo
Barton	Harris	Posey
Benishek	Hartzler	Price, Tom
Bilirakis	Heck (NV)	Ratcliffe
Bishop (MI)	Hensarling	Reed
Bishop (UT)	Hice, Jody B.	Reichert
Black	Holding	Renacci
Blackburn	Hudson	Ribble
Blum	Huelskamp	Rice (SC)
Bost	Huizenga (MI)	Rigell
Boustany	Hultgren	Roby
Brady (TX)	Hunter	Roe (TN)
Brat	Hurd (TX)	Rogers (AL)
Bridenstine	Hurt (VA)	Rogers (KY)
Brooks (AL)	Issa	Rohrabacher
Brooks (IN)	Jenkins (KS)	Rokita
Buchanan	Jenkins (WV)	Rooney (FL)
Buck	Johnson (OH)	Ros-Lehtinen
Bucshon	Johnson, Sam	Roskam
Burgess	Jolly	Ross
Byrne	Jones	Rothfus
Calvert	Jordan	Rouzer
Carter (GA)	Joyce	Royce
Carter (TX)	Katko	Russell
Chabot	Kelly (MS)	Salmon
Chaffetz	Kelly (PA)	Sanford
Clawson (FL)	King (IA)	Scalise
Coffman	King (NY)	Schweikert
Cole	Kinzinger (IL)	Scott, Austin
Collins (GA)	Kline	Sensenbrenner
Collins (NY)	Knight	Sessions
Comstock	Labrador	Shimkus
Conaway	LaHood	Shuster
Cook	LaMalfa	Simpson
Costello (PA)	Lamborn	Sinema
Cramer	Lance	Smith (MO)
Crawford	Latta	Smith (NE)
Crenshaw	LoBiondo	Smith (NJ)
Culberson	Long	Smith (TX)
Curbelo (FL)	Loudermilk	Stefanik
Davis, Rodney	Love	Stewart
Denham	Lucas	Stivers
Dent	Luetkemeyer	Stutzman
DeSantis	Lummis	Thompson (PA)
DesJarlais	MacArthur	Thornberry
Diaz-Balart	Marchant	Tiberi
Dold	Marino	Tipton
Donovan	Massie	Trott
Duffy	McCarthy	Turner
Duncan (SC)	McCaul	Upton
Duncan (TN)	McClintock	Valadao
Ellmers (NC)	McHenry	Wagner
Emmer (MN)	McKinley	Walberg
Farenthold	McMorris Rodgers	Walden
Fincher		Walker
Fitzpatrick	McSally	Walorski
Fleischmann	Meadows	Walters, Mimi
Fleming	Meehan	Weber (TX)
Flores	Messer	Webster (FL)
Forbes	Mica	Wenstrup
Fortenberry	Miller (FL)	Westerman
Foxx	Miller (MI)	Whitfield
Franks (AZ)	Moolenaar	Williams
Frelinghuysen	Mooney (WV)	Wilson (SC)
Garrett	Mullin	Wittman
Gibbs	Mulvaney	Womack
Gibson	Murphy (PA)	Woodall
Gohmert	Neugebauer	Yoder
Goodlatte	Newhouse	Yoho
Gosar	Noem	Young (AK)
Gowdy	Nugent	Young (IA)
Granger	Nunes	Young (IN)
Graves (GA)	Olson	Zeldin
Graves (LA)	Palazzo	Zinke

NOES—175

Adams	Bera	Boyle, Brendan F.
Aguilar	Bishop (GA)	
Bass	Blumenauer	Brady (PA)
Beatty	Bonamici	Brown (FL)
Becerra	Bustos	Brownley (CA)
Bishop (GA)	Butterfield	Bustos
Blumenauer	Capps	Butterfield
Bonamici	Cárdenas	Capps
Boyle, Brendan F.	Carney	Cárdenas
	Cartwright	Carney
Brady (PA)	Castor (FL)	Cartwright
Brown (FL)	Chu, Judy	Castor (FL)
Brownley (CA)	Cicilline	Chu, Judy
Bustos	Clark (MA)	Cicilline
Butterfield	Clarke (NY)	Clark (MA)
Capps	Clay	Clarke (NY)
Cárdenas	Cleaver	Clay
Carney	Clyburn	Cleaver
Cartwright	Cohen	Clyburn
Castor (FL)	Connolly	Cohen
Chu, Judy	Conyers	Connolly
Cicilline	Cooper	Conyers
Clark (MA)	Costa	Cooper
Clarke (NY)	Courtney	Costa
Clay	Crowley	Courtney
Cleaver	Cuellar	Crowley
Clyburn	Cummings	Cuellar
Cohen	Davis (CA)	Cummings
Connolly	Davis, Danny	Davis (CA)
Conyers	DeFazio	Davis, Danny
Cooper	DeGette	DeFazio
Costa	Delaney	DeGette
Courtney	DeLauro	Delaney
Crowley	DelBene	DeLauro
Cuellar	DeSaulnier	DelBene
Cummings	Dingell	DeSaulnier
Davis (CA)	Doggett	Dingell
Davis, Danny	Doyle, Michael F.	Doggett
DeFazio		Doyle, Michael F.
DeGette	Duckworth	
Delaney	Edwards	Duckworth
DeLauro	Engel	Edwards
DelBene	Eshoo	Engel
DeSaulnier	Esty	Eshoo
Dingell	Farr	Esty
Doggett	Fattah	Farr
Doyle, Michael F.	Foster	Fattah
	Frankel (FL)	Foster
Duckworth	Fudge	Frankel (FL)
Edwards	Gabbard	Fudge
Engel	Gallego	Gabbard
Eshoo	Garamendi	Gallego
Esty	Graham	Garamendi
Farr	Grayson	Graham
Fattah	Green, Al	Grayson
Foster	Green, Gene	Green, Al
Frankel (FL)	Grijalva	Green, Gene
Fudge	Gutiérrez	Grijalva
Gabbard	Hahn	Hahn
Gallego	Hastings	Hastings
Garamendi	Heck (WA)	Heck (WA)
Graham	Higgins	Higgins
Grayson	Himes	Himes
Green, Al	Hinojosa	Hinojosa
Green, Gene	Honda	Honda
Grijalva	Hoyer	Hoyer
Hahn	Huffman	Huffman
Hastings	Israel	Israel
Heck (WA)	Jackson Lee	Jackson Lee
	Jeffries	Jeffries
	Johnson (GA)	Johnson (GA)
	Johnson, E. B.	Johnson, E. B.
	Kaptur	Kaptur
	Keating	Keating
	Kelly (IL)	Kelly (IL)
	Kennedy	Kennedy
	Kildee	Kildee
	Kilmer	Kilmer
	Kind	Kind
	Kirkpatrick	Kirkpatrick
	Kuster	Kuster
	Langevin	Langevin
	Larsen (WA)	Larsen (WA)
	Larson (CT)	Larson (CT)
	Lee	Lee
	Levin	Levin
	Lewis	Lewis
	Lieu, Ted	Lieu, Ted
	Lipinski	Lipinski
	Loebsack	Loebsack
	Lofgren	Lofgren
	Lowenthal	Lowenthal
	Lowey	Lowey
	Lujan Grisham (NM)	Lujan Grisham (NM)
	Luján, Ben Ray (NM)	Luján, Ben Ray (NM)
	Lynch	Lynch
	Maloney, Carolyn	Maloney, Carolyn
	Maloney, Sean	Maloney, Sean
	Matsui	Matsui
	McCollum	McCollum
	McDermott	McDermott
	McGovern	McGovern
	McNerney	McNerney
	Meeks	Meeks
	Meng	Meng
	Moore	Moore
	Moulton	Moulton
	Murphy (FL)	Murphy (FL)
	Nadler	Nadler
	Napolitano	Napolitano
	Neal	Neal
	Nolan	Nolan
	Norcross	Norcross
	O'Rourke	O'Rourke
	Pallone	Pallone
	Pascrell	Pascrell
	Payne	Payne
	Pelosi	Pelosi
	Perlmutter	Perlmutter
	Peters	Peters
	Peterson	Peterson
	Pingree	Pingree
	Pocan	Pocan
	Polis	Polis
	Price (NC)	Price (NC)
	Quigley	Quigley
	Rangel	Rangel
	Rice (NY)	Rice (NY)
	Richmond	Richmond
	Roybal-Allard	Roybal-Allard
	Ruiz	Ruiz
	Ruppersberger	Ruppersberger
	Ryan (OH)	Ryan (OH)
	Sánchez, Linda T.	Sánchez, Linda T.
	Sanchez, Loretta	Sanchez, Loretta
	Schakowsky	Schakowsky
	Schiff	Schiff
	Schrader	Schrader
	Scott (VA)	Scott (VA)
	Scott, David	Scott, David
	Serrano	Serrano
	Sewell (AL)	Sewell (AL)
	Sherman	Sherman
	Sires	Sires
	Slaughter	Slaughter
	Speier	Speier
	Swalwell (CA)	Swalwell (CA)
	Takai	Takai
	Takano	Takano
	Thompson (CA)	Thompson (CA)
	Thompson (MS)	Thompson (MS)
	Titus	Titus
	Tonko	Tonko
	Torres	Torres
	Tsongas	Tsongas
	Van Hollen	Van Hollen
	Vargas	Vargas
	Veasey	Veasey
	Vela	Vela
	Velázquez	Velázquez
	Visclosky	Visclosky
	Walz	Walz
	Wasserman Schultz	Wasserman Schultz
	Waters, Maxine	Waters, Maxine
	Watson Coleman	Watson Coleman
	Welch	Welch
	Wilson (FL)	Wilson (FL)
	Yarmuth	Yarmuth

NOT VOTING—16

Amodei	Ellison	Rush
Beyer	Gutiérrez	Sarbanes
Capuano	Herrera Beutler	Smith (WA)
Carson (IN)	Hill	Westmoreland
Castro (TX)	Lawrence	
Deutch	Paulsen	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SMITH of Nebraska) (during the vote). There are 2 minutes remaining.

□ 1359

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HILL. Mr. Speaker, on rollcall No. 56, I was unavoidably detained with constituents. Had I been present, I would have voted ''yes.''

Mr. PAULSEN. Mr. Speaker, on rollcall No. 56, I was not present due to a meeting with constituents. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded on rollcall No. 55 on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 1675 and H.R. 766. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted ''nay.''

Mr. Speaker, my vote was not recorded on rollcall No. 56 on H. Res. 595, the Rule providing for consideration of both H.R. 1675, Encouraging Employee Ownership Act of 2015 and H.R. 766, Financial Institution Customer Protection Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "nay."

ENCOURAGING EMPLOYEE OWNERSHIP ACT OF 2015

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous materials on the bill, H.R. 1675, to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1675.

The Chair appoints the gentleman from Pennsylvania (Mr. THOMPSON) to preside over the Committee of the Whole.

□ 1402

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1675) to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans, with Mr. THOMPSON of Pennsylvania in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1675, the Encouraging Employee Ownership Act.

I do this because, as you know, Mr. Chairman, regrettably, we saw that in the last quarter this economy grew at a paltry seven-tenths of 1 percent. On an annualized basis, this economy is limping along at roughly half the normal growth rate.

That means that this economy is not working for working families, who under 8 years of Obamanomics have found themselves with smaller paychecks and smaller bank accounts and greater anxiety about how are they going to make their mortgage payments, how are they going to make their car payments, are they going to be able to save enough to send somebody to college.

This economy is still underperforming for American families. So it is critical that we help our small businesses, which are truly the job engine in our economy, Mr. Chairman, as you well know.

I want to commend the sponsors of the five bills that make up H.R. 1675, Representatives HULTGREN, HILL, HUIZENGA, and HURT. Their work has resulted in a bipartisan bill that we think will help create a healthier economy.

Again, we know that 60 percent of the Nation's new jobs over the past couple decades have come from our small businesses. If we are going to have a healthier economy that offers more opportunity, we have to offer more opportunities for small business growth and small business startups. We have to ensure that they have capital and the credit they need to grow. You can't have capitalism without capital, Mr. Chairman.

Yet, we have heard from countless witnesses in our committee—from community banks to credit unions, the primary source of small business loans—that they are drowning, drowning in a sea of complex, complicated, expensive regulations, many of them emanating from the Dodd-Frank Act, which is causing a huge burden on the economy and working families.

The same is true of many of our burdensome security regulations as well. Many of them are well intentioned, but, Mr. Chairman, they were written with our largest public companies in mind, but they end up hurting our smaller companies. It is time that we help level that playing field for small businesses with smarter regulations that will still maintain our fair and efficient markets, protect investors, but allow small competitors the chance to succeed. We make some progress today on this bipartisan bill, H.R. 1675.

Now, it is a modest bill, Mr. Chairman. It is only 20 pages long—anybody can read it—but it provides many overdue improvements that will help spur capital formation, and the legislation gives companies options and choices on how to best attract investment and capital. In a free society, isn't that where we should be?

It updates rules to allow small businesses to better compensate their employees with ownership in the business. Let them have a piece of the American Dream. In so doing, it strengthens provisions enacted into law in the bipartisan JOBS Act and the FAST Act to give employees a greater opportunity to share in the success of their employer.

It codifies no action relief issued by the SEC to remove regulatory burdens for individuals who assist with the transfer of ownership of small- and mid-sized privately held companies.

It will provide investors with more research on exchange-traded funds, or ETFs, by extending a liability safe harbor consistent with other securities offerings.

It provides a voluntary, Mr. Chairman—I repeat voluntary—exemption from reporting in XBRL data format for emerging growth companies and smaller public companies, the cost and use of which have continually been questioned in our committee.

The committee received testimony from a biotechnology executive who said that outreach to his analyst investors yielded a consensus response that they weren't even aware of XBRL, but the witness went on to say that his company is having to spend $50,000 annually in compliance costs that obviously could have been better spent in productivity and job creation.

Finally, it requires the SEC to conduct a retrospective review every 10 years to update or eliminate outdated, unnecessary, and duplicative regulations. This is also known, Mr. Chairman, as common sense. The administration claims that this provision is duplicative because the SEC is already encouraged to review their regulations. Well, encouragement doesn't quite get the job done. We need to ensure that these regulations are looked at and at least looked at on an every-decade basis.

You will hear some say that, well, the SEC's resources are stretched too thin. I am happy to go back and amend Dodd-Frank so that they have more resources to devote to capital formation. By the way, they just got a big, fat raise in the latest omnibus. Mr. Chairman, I don't think that argument holds much water.

By enacting H.R. 1675, we are going to ease the burdens on small businesses and job creators. Isn't that what we ought to be about? We will help foster capital formation so that Americans can go back to work, have better careers, pay their mortgages, pay their healthcare premiums, and ultimately give their families a better life.

I urge my colleagues to join me in supporting H.R. 1675.

Mr. Chairman, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 1675. It is really a package of five bills which will harm investors and, perversely, the very small businesses Republicans say they want to help. It does so by ignoring and supplanting the good judgment of the Securities and Exchange Commission, which has already sought to provide small businesses with regulatory relief in these same areas while also ensuring that investors in those businesses have the protections they deserve.

The SEC's balanced approach makes sense as investors who are not confident in the integrity of our markets

will simply not invest, which means that job-creating companies will not have the capital they need to grow. In particular, this bill would reduce corporate transparency for employee stockholders by allowing private companies to compensate their employees with up to $10 million in stock every year without having to provide them with relatively simple disclosures about the financials of the company or the risk associated with these securities.

Mr. Chairman and Members, I am not going to attempt to hide the facts of this bill with a lot of rhetoric. The fact of the matter is, if employees are being given stock up to $10 million that they don't know the value of, and the companies don't have to disclose anything about the stock, they could end up with worthless stock, not worth anything, where they had great expectations that somehow in lieu of raises and more money that they probably deserve, they are being given rotten stock.

This provision would double the current disclosure threshold, allowing larger companies with at least $34 million in total assets to encourage overinvestment by employees in a company that they cannot value and that may never permit them to sell except back to the company at a price set by the company. That is another aspect of this.

This type of deregulation invites more Enron-type fraud into the market. Remember Enron? I hope we have not forgotten it already and what happened to those employees. Sometimes you had two members of the family, the husband and the wife, who both had this bad stock that they couldn't sell back, they couldn't do anything with, where employees have to trust the accounting of their companies but instead are left with valueless stock.

Similarly, this bill would exempt over 60 percent of public companies from using a computer-readable format known as XBRL in their SEC filings. Exempting such a large number of filers would prevent these companies from being easily compared to other companies that use XBRL, to the disadvantage of analysts, researchers and the SEC, investors, and even the companies themselves.

Basically, what you are doing is saying, we are going to have a bill here that would prevent the kind of information that analysts and researchers, the SEC and investors should have, comparing them with other companies because somehow we want to protect those who don't want people to really know what their worth is.

This is very serious stuff. According to the SEC's Investor Advocate, this exemption seriously impedes the ability of the SEC to bring disclosure into the 21st century. That is their quote.

Title III of the bill further supplants the SEC's good judgment by significantly expanding the Commission's recently provided relief for certain mergers and acquisition brokers without imposing eight important investor protections granted by the SEC. As a result, bad actors who may have committed fraud and shell companies could use this relief and brokers wouldn't have to make basic disclosures about their conflict of interest.

In committee markup, Democrats attempted to close these loopholes, but our efforts were rejected in a party-line vote.

Can you imagine that the SEC has taken a big step, and they have listened to concerns, they have listened to complaints, and they have gone overboard to make sure that they were providing relief for certain kinds of mergers and acquisitions.

□ 1415

What this bill would do is take away the ability of the SEC to have investor protections that they have already been granted.

So again, this bill, which includes five bills all designed, basically, to disregard the investors, disregard the small-business people, disregard the average American citizen, is a bill that would simply go in the wrong direction, helping the corporations who would simply not want to disclose and not want to be seen for what they are.

Title II also fails to sufficiently protect investors, as it eliminates offering liability for brokers who, under the guise of providing exchange-traded funds, or ETFs, could selectively use data to promote and sell highly risky, complex, and little-known ETFs to unsuspecting investors.

Finally, the bill seeks to impose additional regulatory burdens on the SEC by requiring it to conduct a duplicative and more onerous retrospective review of its rules.

Specifically, title V would require the SEC to, within 5 years of enactment, review and revise all of its rules, which I should mention date back to 1934. It would also allow the SEC to override congressional mandates, including those in the Dodd-Frank Wall Street reform bill.

Republicans on the Financial Services Committee are always claiming that the SEC is unresponsive to Congress, yet this provision in the bill would allow the Commission to unilaterally repeal the will of Congress at their whim. Indeed, this title is a thinly veiled Republican attempt to impose cost-benefit type analyses on our regulators as a means of eliminating rules designed to benefit the public and protect investors.

H.R. 1675 is an anti-investor bill that will reduce transparency, establish additional administrative burdens on the SEC, and create easily exploited loopholes for bad actors.

It is well known that Members on the opposite side of the aisle do not like our ''cop on the block,'' which is the SEC. While they talk about what the SEC will, can, or will not do, they simply try and strangle it by being opposed to them having the adequate funding that they need in order to do their job.

So, when we hear today, for example, as the chairman said, that he would be willing to support some funding for the SEC, it is very important that they put their money where their mouths are and make sure that the SEC has the money to do its job.

In conclusion, this bill goes in the wrong direction. It is unfortunate that, at a time when we have gone through a recession based on 2008 and the unwillingness or the inability for our regulatory agencies to watch over our investors and to watch over our average small-business people and homeowners, et cetera, and while we are trying desperately to clean up this mess with Dodd-Frank reforms, we would come in here at this time, having experienced all of this, with a bill like this that would try and protect the worst actors in the financial services industry.

I urge my colleagues to oppose H.R. 1675.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. HULTGREN), a workhorse on our committee and the chief sponsor of H.R. 1675, to bring more jobs to the American people.

Mr. HULTGREN. I thank Chairman HENSARLING for his great work on the Financial Services Committee, and I specifically want to thank him for his help on this bill coming to the floor today.

Mr. Chair, today I am very proud to speak in support of the Capital Markets Improvement Act. The bill includes a number of important titles that my colleagues on the House Financial Services Committee, Republicans and Democrats, are confident will improve our capital markets, whether it is reducing regulatory requirements for emerging growth companies subject to redundant reporting requirements to the SEC or making it easier for investors to have access to investment reports on exchange-traded funds.

This bill also includes a title I worked on diligently with Mr. DELANEY to make it easier for companies in Illinois and nationwide to let hardworking employees own a stake in the business they are part of.

The Illinois Biotechnology Industry Organization, which represents companies that employ thousands of residents in my district and throughout Illinois, believes that making it easier for companies to offer employee ownership helps Illinois businesses expand and hire more workers.

Warren Ribley, the president and CEO of iBIO, has stated:

> As someone who has worked in economic development for most of my career, I know that offering an ownership stake to employees is a critical tool in recruiting top talent to job-generating companies. And there is no doubt that an equity stake encourages employees to drive hard for success of the enterprise.

EEOA promises to aid in job creation in Illinois' growing technology sector, especially for the many early-stage companies with whom we assist along their commercialization path.

Unfortunately, some companies are shying away from offering employee ownership because of regulations that limit how much ownership they can safely offer.

SEC rule 701 mandates various disclosures for privately held companies that sell more than $5 million worth of securities for employee compensation over a 12-month period. In 1999, the SEC arbitrarily set this threshold at $5 million without a concrete explanation for why investors would face difficulties with sales above this number.

For businesses who want to offer more stock to more employees, this rule forces those businesses to make confidential disclosures that could greatly damage future innovations if they fell into the wrong hands. This required information includes business-sensitive information, including the financials and corresponding materials like future plans and capital expenditures.

The SEC originally acknowledged this, and some voiced their concern that a disgruntled employee could use this confidential information to harm their former employer. Leaving aside the risk involved in disclosing this confidential information, it is costly to prepare these disclosures just so a business can offer the benefits of ownership to their employees.

My bill is simple. It is a simple, bipartisan fix that changes that. EEOA amends SEC rule 701 to raise the disclosure threshold from $5 million to $10 million and adjust the threshold for inflation every 5 years.

To be clear, issuers that are exempt from disclosure would still have to comply with all pertinent antifraud and civil liability requirements. The employees purchasing these securities go to their business every day and already have a good sense of how their company is operating.

Support for this effort to improve the utility of rule 701 can actually be found in the SEC's own Government-Business Forum on Small Business Capital Formation Final Reports for 2001, 2004–2005, and 2013.

As the Chamber of Commerce has explained, this legislation would ''help give employees of American businesses a greater chance to participate in the success of their company.'' Increasing this threshold, they explain, would ''ensure that rule 701 remains a viable provision for businesses to use in the future'' and ''decrease the likelihood of unnecessary regulatory requirements.''

There is no evidence to suggest that rule 701 is not working for companies and their employees, and we have every reason to make this option available to more Americans with the desire to build their wealth through their company's success.

Finally, I want to underscore how important it is that the Capital Markets Improvement Act pass with a strong bipartisan vote, just like each title passed in the Financial Services Committee under Chairman HENSARLING's leadership.

My bill, the Encouraging Employee Ownership Act, had a bipartisan vote of 45–15 in committee. Mr. HILL's bill, making investment reports on ETFs more accessible, had a vote of 48–9. Mr. HUIZENGA's bill, creating a simplified SEC registration system for M&A brokers, had a vote of 36–24. Mr. HURT's bill, allowing an optional exemption for emerging growth companies for SEC reporting requirement, had a vote of 44–11. Also, Mr. HURT's bill, requiring the SEC to retroactively review regulations, had a 46–16 vote.

I urge all my colleagues to vote in support of the Capital Markets Improvement Act of 2016.

Ms. MAXINE WATERS of California. I yield 3 minutes to the gentlewoman from Ohio, (Mrs. BEATTY), a member of the Financial Services Committee.

Mrs. BEATTY. Mr. Chairman, I think it is simple today. We have heard Congresswoman MAXINE WATERS outline our position for this.

Let me just say that this bill is flawed, overly broad, avoids appropriate oversight, duplicative of existing administrative authorities, and could be wasteful and costly. I join Ms. MAXINE WATERS of California today in opposition to H.R. 1675, a package of capital market deregulatory bills that undermine the Security and Exchange Commission's effective oversight of capital markets and places the GOP special interests ahead of those hard-working Americans whom we are here to serve.

Secondly, the package also excludes exemptions from certain investor disclosures and SEC filing requirements and a safe harbor from certain broker-dealer liabilities, all without commensurate investor protections.

A key component of this package is title V, H.R. 2354, which is an unnecessary, burdensome, and unfunded mandate requiring a full-scale review designed to hamstring the SEC's ability to perform basic oversight of the financial markets.

Title III of the package exempts small business merger and acquisition brokers from registering as a broker-dealer with the SEC.

Mr. Chairman, let me sum it up by saying that the bad outweighs the good in this bill. I stand in opposition to it.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROYCE), a valued member of the Financial Services Committee and chairman of the House Foreign Affairs Committee.

Mr. ROYCE. Mr. Chairman, the reason this legislation is on the floor, frankly, is because of the anemic economic growth that the United States is facing. We have got less than 2 percent economic growth. If we are going to figure out a way to get the economic engine running again, we have got to do something to remove the barriers to access to capital. That is what the Capital Markets Improvement Act attempts to do here. H.R. 2354, the Streamlining Excessive and Costly Regulations Review Act, does just that.

Let's face it, regulators aren't perfect. They are like lawmakers in that sense. Regulators have a certain obligation to examine their record to determine failures and to rectify missteps as needed.

The Streamlining Excessive and Costly Regulations Review Act will give the Securities and Exchange Commission the opportunity to do so. It would set that up on an ongoing basis. It requires a retrospective Commission review of rules and regulations that have an annual economic impact or cost of $100 million or more, result in a major increase of costs or prices for consumers, or harm the ability of U.S. enterprises to compete against foreign competitors.

Commissioners will be able to reverse ineffective, insufficient, or excessively burdensome regulations with the guidance of public notice and comment, and it ensures that the SEC isn't simply rolling out the red tape in a vacuum, oblivious to the negative economic impact that their actions have on consumers, investors, or businesses.

The success of a regulation or rulemaking shouldn't be measured in quantity. Instead, we need smart guidelines to protect our economy and preserve the world's strongest capital markets here in the United States.

Mr. Chairman, I thank the author of this bill, Mr. HURT of Virginia, for his leadership on this issue, and I urge my colleagues to join me in supporting this.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH), the ranking member of the Task Force to Investigate Terrorism Financing on the Financial Services Committee.

□ 1430

Mr. LYNCH. Mr. Chairman, I thank the gentlewoman for yielding.

It is very rare that I get to speak in opposition to such bad legislation, but not only do we have a single bill that is bad legislation, my friends across the aisle have packaged five bad bills and put them all together. My only regret is that I only have 3 minutes to speak about these bills.

Let me single one out, the Encouraging Employee Ownership Act of 2015. Currently, employee benefit plans must disclose information to employees who invest in those plans if the plan's assets are above $5 million.

H.R. 1675, the Encouraging Employee Ownership Act of 2015, now 2016, modifies SEC rule 701 by allowing private companies to compensate their employees up to $10 million, indexed for inflation.

So they can pay their employees in stock, basically. But the key here is

that they don't have to provide the same information that they would to outside investors in that same stock. Therein lies the danger here.

This means that employees in smaller companies, start-ups, especially—small drug companies, small software companies—those employees with smaller plans, oftentimes those companies are more subject to, more vulnerable to, the ups and downs of the economy. These are the most vulnerable.

So the employees in those small plans that are paid with company stock would be less protected as to how their stocks are performing.

Last Congress I voted against a similar bill, H.R. 4571, when it was marked up in our committee. I also spoke in opposition to this bill when it was included as title XI of H.R. 37.

This bill uses the veneer of job creation to provide special treatment for well-connected corporations, mergers and acquisition advisers, and financial institutions, while doing very little for and probably doing much damage to employees and working families.

I strongly support employees receiving equity. I think that is a good deal. If employees can receive stock options and, importantly, if they can know about the value of those stocks and know about the condition of these companies, that can be a huge advantage.

Employees will buy into the company, but they have to have the information about what the stock is worth. This bill allows them to be denied that information. They are buying a pig in a poke. They don't know what the stocks are worth. So it puts them at a tremendous disadvantage.

And, again, these companies are the ones that are most vulnerable to ups and downs in the economy going forward.

I agree the remarks of Professor Theresa Gabaldon from George Washington University during our April 29 Capital Markets and Government Sponsored Enterprises Subcommittee hearing. During her testimony, the professor expressed opposition to this bill for the very reasons I have stated.

The CHAIR. The time of the gentleman has expired.

Ms. MAXINE WATERS of California. I yield another 30 seconds to the gentleman.

Mr. LYNCH. She opposed this bill because employees deserve the same protections, she said, as investors.

This makes sense. This is easy. We should be able to do what we want to do here and stimulate the economy, yet, at the same time, allow these employees to have the information that they need to know what the value of the stocks they are being paid with are worth. It is as simple as that.

I thank the ranking member for her indulgence.

Mr. HENSARLING. Mr. Chair, I yield myself 10 seconds to remind my friends who have spoken that title I of this bill passed 45–15, with Democratic support; title II, 48–9, with Democratic support; title III, in the last Congress, passed the floor 420–0; title IV, 44–11, with Democratic support; title V, 41–16, with Democratic support. So perhaps they should discuss these attacks amongst themselves first.

I yield 6 minutes to the gentleman from Virginia (Mr. HURT), one of the prime sponsors and author of title IV and title V.

Mr. HURT of Virginia. Mr. Chairman, I thank the chairman of the Financial Services Committee for his leadership in moving this legislation to the floor.

I rise today in support of this bill, the Capital Markets Improvement Act.

As I travel across Virginia's Fifth District, the number one issue facing the families I represent is the desperate need for job creation.

Making sure that hardworking Virginians and Americans have adequate access to capital markets is imperative to job creation and to sustained economic growth for our great Nation.

This is why it is so important that the Financial Services Committee and the House of Representatives continue to push legislation that will make it easier for our businesses, for our farmers, and for families to be successful.

Indeed, every provision within this bill today we are considering has received bipartisan support, and each title of this bill is critical to enhancing access to capital and ensuring that the U.S. capital markets remain the most vibrant in the world.

Within this Capital Markets Improvement Act, I am pleased that two provisions that I have sponsored have been included, the Small Company Disclosure Simplification Act and the Streamlining Excessive and Costly Regulations Review Act.

The first provision is contained in title IV. The Small Company Disclosure Simplification Act addresses a 2009 mandate from the SEC which required the use of eXtensible Business Reporting Language, or XBRL, for public companies.

While the SEC's rule is well-intended, this requirement has become another example of a regulation where the costs often outweigh the potential benefits.

These companies spend thousands of dollars and more complying with the regulation, yet there is little evidence that investors actually use XBRL, leading one to question its real-world benefits.

The provision before us today is a measured step that would offer small companies relief from the burdens of XBRL. Title IV provides a voluntary—let me say that again—a voluntary exemption for emerging growth companies and smaller public companies from the SEC's requirements to file their financial statements via XBRL in addition to their regular filings with the SEC.

It is important to note that nothing in this bill precludes companies from utilizing XBRL for their filings with the SEC. The exemption is completely optional and allows smaller companies to assess whether the costs incurred for compliance are outweighed by any benefits using this technology.

During our committee's hearing on this issue, one company reported that it spent $50,000 on complying with XBRL. That is a real cost to a small company, especially when that cost does not yield a significant benefit.

I am not suggesting that every firm pays this much, but certainly we can agree that, when filing fees are this high, we should ensure that the requirements result in a benefit to investors and to those public companies being regulated.

It is also very important to note that, with this legislation, all public companies will continue to file quarterly and annual statements with the SEC.

Furthermore, this bill will not kill the implementation of XBRL or structured data at the SEC. It is merely providing a temporary and voluntarily exemption for smaller companies so that they may better utilize their capital.

It is about choice and ensuring that these companies can use their capital to create jobs instead of using it to comply with unnecessary red tape.

This bill has previously received strong bipartisan support in the Financial Services Committee and on the floor of this House when this measure was part of the Promoting Job Creation and Reducing Small Business Burdens Act.

Similarly, during the last Congress, this measure was also approved with a strong bipartisan vote in the House. I ask that my colleagues once again support this commonsense legislation today.

In addition to the disclosure simplification issues, we have also sponsored title V of this Capital Markets Improvement Act. This is a bipartisan bill that I crafted with my colleague, Ms. KYRSTEN SINEMA of Arizona.

The Streamlining Excessive and Costly Regulations Review Act is about accountable and representative government and making sure that the SEC is taking an ongoing retrospective look at its regulation.

This legislation would simply require the SEC to review its major rules and regulations on a regular basis to determine whether they are still effective or outdated or whether they need to be changed in some regard. In fact, other prudential regulators, such as the FDIC, the OCC, and the Federal Reserve, are already doing this.

During the mid-1990s, the Economic Growth and Regulatory Paperwork Reduction Act, or EGRPRA, required these entities to conduct a retrospective review of all of their regulations to determine if they were still effective and, subsequently, report their findings to Congress.

Because the House Banking Committee at the time did not have jurisdiction over the SEC, the SEC was left out of this process.

Title V would simply require the SEC to retrospectively review its regulations with the goal of ensuring that they are effective and up to date. It would enable the SEC to operate in the most effective manner possible. It would afford the SEC the autonomy and flexibility to make this mandate effective.

President Obama himself endorsed this idea in multiple 2011 executive orders, and the other prudential regulators are already operating under a similar review process. This legislation simply puts the SEC on the same playing field as the other regulators.

Moreover, this bill provides Congress with the insight it needs to hold the Commission accountable, and the legislation adheres to the requirements of the Administrative Procedure Act.

All said, the structure and the process of title V will provide industry, the SEC, and Congress, with the structure and time necessary to ensure that this retrospective review process is effective.

I ask my colleagues to join me in supporting this title so that we can continue to improve the SEC's regulatory regime.

In closing, let me again thank the committee chairman, Chairman HENSARLING, and Chairman GARRETT, who is our Capital Markets and Government Sponsored Enterprises Subcommittee chair, for making these two provisions a part of this act. I urge my colleagues to vote ''yes'' on this good bill.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets and Government Sponsored Enterprises of the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, I thank the ranking member for yielding and for her leadership on this committee and on this legislation.

I rise today in opposition to H.R. 1675. It would curtail the existing regulatory structure protecting investors.

While this package includes bills that I have supported, including the ETF research bill, which simply allows more research on a fast-growing market, ultimately, I have to oppose this package because it would roll back the progress that we have made in many areas, including on XBRL.

I rise in opposition to the prior speaker from the great State of Virginia, really, one of my favorite Republicans to work with on the committee, but I oppose very much his bill that would roll back XBRL and would allow roughly 60 percent of all public companies to opt out of the requirement to use XBRL.

I believe that this would hurt the overall economy, the liquidity of the markets, and the information that investors are able to gain and gather.

I am a big supporter of XBRL, which allows companies to file their financial statements in a computer-readable format. XBRL makes it possible for investors and analysts to quickly download standardized financial statements for an entire industry directly to a spreadsheet and immediately start making cross-company comparisons in order to identify the best performers.

I would argue that this would increase the amount of investment in start-ups and small businesses. This would enable investors to more easily identify the companies that are diamonds in the rough, so to speak; and very often, these are small companies that have innovative business models but have trouble attracting the attention of analysts and institutional investors.

One reason is it is simply too time-consuming for analysts and investors to pick through every small company's 100-page financial filings.

A small company's filings may tell an incredible story about why that company is poised to be the next Apple or Google. But if the so-called search costs are high enough that analysts and investors never see them, then that company will never get the capital infusion it needs to grow and our economy will never realize the benefits that the company has to offer.

This is where XBRL comes in. It dramatically reduces the search costs by making it fast and cheap for investors to gather standardized financial statements for entire industries, including the small businesses that the investors wouldn't have bothered with before.

So if you want to improve small companies' access to capital, rolling back XBRL is the last thing you would want to do. I believe that we should be moving forward, not backward, on XBRL.

We are already far behind the rest of the developed world in using structured data. I rise in opposition to this bill.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. MAXINE WATERS of California. I yield the gentlewoman an additional 1 minute.

Mrs. CAROLYN B. MALONEY of New York. I think we should think very hard about an issue before we take away a tool that literally benefits both investors and small companies.

□ 1445

Unfortunately, that is what this bill would do. Instead of moving forward on XBRL and making it even more useful for analysts and investors, the bill would allow roughly 60 percent of all public companies to opt out of their requirements to use XBRL. This would effectively take our capital markets back to the 20th century.

Mr. Chairman, I urge my colleagues to oppose this bill which doesn't benefit investors and I would say the overall economy.

I urge a ''no'' vote from my colleagues.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of the Monetary Policy and Trade Subcommittee of the Financial Services Committee and the author of title III of this act.

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise today to alert the American people: we have a red herring alert. This is a legislative equivalent to an Amber Alert because we have folks who talk a good game behind closed doors, who come out here, though, in the light of day and do something very different, and they are missing. They are missing in action from solving the problem. This red herring alert is very disturbing. We instead are seeing today trumped-up attacks on commonsense reforms that need to happen that many people will behind closed doors agree need to happen.

In my particular case with section 3, we have a ''no-action'' letter put out by the SEC that those on the other side of the aisle say, ''We don't need to do anything. The SEC is taking care of it.'' The problem is that it took years for the SEC to even address the issue. Apparently what is good enough for a ''no-action'' letter should be good enough for the law. So they know full well that many of the things that we are trying to address in H.R. 1675 are coming from unintended consequences.

This important piece of legislation is a package of bipartisan ideas designed to help Main Street businesses promote job creation and economic growth. The Second District of Michigan, west Michigan, is full of these types of family-owned companies.

Mr. Chairman, small businesses, private companies, and entrepreneurs need access to capital, but burdensome, needless regulations out of Washington and the SEC have created barriers to that investment capital.

Main Street small businesses are the heart and soul of our Nation. In fact, they have created the majority of the Nation's new jobs over the last couple of decades. So what does that mean? It is not the big, major companies that are creating those job opportunities. It is our small, innovative companies that are. For these small businesses to survive and thrive in a healthy, growing economy, we must reduce barriers to capital and encourage small business growth and the small business entrepreneur without putting the taxpayer or the economy at risk.

H.R. 1675 does exactly that. This compilation of bipartisan regulatory relief provisions will ensure that Main Street businesses continue to have access to the capital that they need to grow the economy and create new jobs.

Mr. Chairman, I urge a ''yes'' vote on H.R. 1675. You need to ignore the red herrings that are getting thrown out there. The capital markets need to have these reforms. I look forward to working with my Senate colleagues to see H.R. 1675 make its way to President Obama's desk for his signature.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield 3 minutes to the

gentlewoman from Illinois (Ms. SCHAKOWSKY), a true progressive champion.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to H.R. 1675, the Encouraging Employee Ownership Act.

As a young housewife in suburban Chicago, I joined a handful of women in a successful campaign to get freshness dates on grocery products. At the time, expiration dates were coded. The stores knew, but consumers were in the dark about whether the milk they were buying had been on the shelf too long.

Getting that information was really important. It gave us the facts and the power to make the right food choices for our families. Getting information about our stocks—whether those stocks are in the form of compensation or investments—is equally important. Again, information is power—the key to being able to protect the financial well-being of our families.

Simply, workers deserve to know the value of the stocks they are receiving instead of wages. We are living in a time of serious wage stagnation. According to the National Employment Law Project, real hourly wages were 4 percent lower on average in 2014 than in 2009. So it is important for workers who are offered stock compensation to have accurate data about the value of those stocks.

Similarly, we are experiencing a real retirement security crisis. Median savings for all working households is $2,500 for retirement. For those near retirement, it is $14,500—not a heck of a lot of money saved for retirement. So we need to encourage investments. But if we want Americans to invest, we need to give them information. They need to be able to judge the risks and make wise decisions.

Yet, instead of giving American workers or investors more information, H.R. 1675 would give them less. This bill would double the threshold that triggers disclosure of information to workers. It would reduce the requirements for broker-dealers to be accountable for certain information that they provide. It would make it harder to find information on SEC filings, and it would give the SEC unilateral power to overturn congressionally enacted laws to protect investors.

Those are all really bad ideas, and I think we should vote ''no'' on H.R. 1675.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIR. The gentleman from Texas has 9 minutes remaining. The gentlewoman from California has 9½ minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. HILL). He is the author of title II of the act.

Mr. HILL. Mr. Chairman, today I rise in support of H.R. 1675 and particularly want to speak about title II, which is called the Fair Access to Investment Research Act, which I sponsored along with my friend and colleague, Mr. CARNEY from Delaware.

Since starting my most recent investment firm that I had back in the 1990s before I came to Congress a year ago, I have seen the investment category exchange-traded funds, or ETFs, grow from about 100 funds with $100 billion in assets to over 1,400 funds with almost $2 trillion in assets—a significant increase over that time.

Despite their growing popularity and use by retail investors and small institutional investors, most broker-dealers in this country do not publish research on ETFs. Primarily, the lack of that publication is due to anomalies in the securities laws and regulations, and that is at the heart of what we are talking about here. It is an important investment category. It deserves research, and it deserves more information, not less.

Title II's mission is simple. It directs the SEC to provide a safe harbor for research reports that cover ETFs so that those reports are not considered offers under section 5 of the Securities Act of 1933. Therefore, ETF research is just treated like all other stock corporate research.

This is a commonsense proposal, and it mirrors other research safe harbors implemented by the SEC which clarify the law and allow broker-dealers to publish ETF research allowing investors more information about this rapidly growing and important market.

Further, this bill holds the SEC accountable—a large challenge before the Congress—to follow our direction. This bill requires the SEC to finalize the rules within 120 days, and if the deadline is not met, an interim safe harbor will take effect until the SEC's rules are finalized.

I might add to my friends at the Commission, this is not a topic unfamiliar to you as it has been raised at the Commission many times, including by the Commission staff over the past 17 years—and yet no action has happened. So we are no longer out ahead of the curve on this topic, we are behind it, as there are some 6 million U.S. households currently using ETFs in their investment portfolios, and they need access to this research.

Having worked in the banking and investment industry for three decades, I appreciate Chairman HENSARLING and Congress' efforts to promote capital formation, reduce unnecessary barriers, provide sunshine, provide information to our investors, and, by definition, grow jobs and our economy.

I want to finally thank Mr. CARNEY of Delaware for working with me on this project and for being so patient along its way in the last weeks.

Ms. MAXINE WATERS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, when my colleague from Massachusetts came to the floor and started to talk about this bill, he said this is a bad bill, and included in this bill a total of five bad bills.

As we go through each of these bills, we cannot help but wonder why any public policymaker would want to endanger small businesses and investors in the way that this bill does. One must ask one's self why, why would any elected official want to eliminate financial disclosures for employees regarding their stock compensation? Why would you want to do that? Why don't you want employees to know what they are being given? Why don't you want employees to understand that this stock that they are being given may or may not be worth the paper that it is written on? Why would we want to keep this information away from them?

As it was stated by the gentlewoman from Illinois, she said basically that many of these companies are not increasing wages. As a matter of fact, we have stagnation in wages in this country and in all of the major companies, for example. So what is happening is these employees believe that when they are being given stock instead of a raise, then maybe they have something valuable.

They need to know what they are getting. They need to know exactly what their company is holding out to them is valuable. So I raise the question, why would any public policymaker want to keep this information from employees?

Further, the opposite side of the aisle always talks about they are for dealing with crime, that they are about criminal justice. But here they are allowing bad actors to engage in small business mergers and acquisitions. I am talking about people who have been convicted. I am talking about people whom you have administrative orders against. I am talking about swindlers. I am talking about bad people that will be allowed, by this bill, to engage in small business mergers and acquisitions. I don't understand it, and I don't know why.

Increasingly, the people of this country are looking at the Members of Congress, and they are saying that they are not with us, they are against us, and that we don't have anybody that is really protecting our interests. More and more, it is being discussed. They are finally getting on to it that somehow too many of the Members of Congress are siding with the big guys, siding with the large corporations, and with the big banks, and not looking out for the interests of the people. They want to know why.

Again, title III of this bill would significantly expand an exemption for registration granted by the SEC to certain mergers and acquisition brokers who deal with small businesses without providing significant protections for those businesses or investors.

Last Congress when we considered this exemption, it was meant to prompt action by the SEC to finalize its no-action letter to exempt these merger and acquisition brokers from registration. Two weeks after that bill passed the House floor, the SEC granted relief. Yet you wouldn't know it if

you read this bill. This bill ignores that relief, and, worse, it inexplicably omits eight—omits eight—of the important investment protections that it includes.

As a result, it would allow, again, these bad actors, these cheaters, these people who commit fraud, and these scammers to use this exemption providing them with an opportunity just to swindle our small businesses. Yet they claim they support small business.

It is fashionable to say, ''I am for small business.'' Everybody is for small business. But when you take a look at what we do, you can determine who is for the small business and who really are for the big businesses, for the swindlers, and for the cheaters who rob small businesses of the opportunity to be successful.

□ 1500

It would also allow M&A brokers to merge public shell companies that have no assets of their own.

Even some of my Republican colleagues who will be offering an amendment to add in these two protections are unable to justify the omission, but my friends on the opposite side of the aisle completely ignore the other six investor protections in the SEC's no action relief.

I am not going to go any further with that. That is quite obvious.

But let me say this. Not only do we have these bad bills with bad public policy, we have a trick in the bill and the bill attempts to tie the hands of the SEC by saying they need to go back—oh, back to 1934 and review everything that they have done, all of these regulations.

Do you know why they are doing that? It is the same reason that they won't support them getting additional funding to do their job. They just want to tie their hands so that they won't be able to do the job that they are supposed to do.

When we call these bills bad, we are simply not sharing with you some rhetoric about some meaningless harm that may come because of these bills. We are telling you these are harmful bills, these are truly bad bills.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets and Government Sponsored Enterprises Subcommittee.

Mr. GARRETT. Mr. Chairman, I thank the chairman.

I want to commend Mr. HULTGREN, Mr. HILL, and all of the sponsors who have worked so hard on the underlying legislation and for the dedication to doing what? Improving the capital markets and creating jobs in this country.

Mr. Chairman, the last decade has really not been kind to middle class Americans and to lower income Americans as well, where people are struggling to make it to the 15th of the month or the end of the month.

We have not experienced in this country a 3 percent GDP since, I think, back in 2005. Middle class income wages are basically stagnating, and the number of people in poverty in this country during this administration has reached an astonishing 50 million people.

Did you hear that? Fifty million people during the Obama administration find themselves still in poverty right now.

Yet, the Obama administration continues—if you listen to him and our committee meetings from the other side of the aisle, they tout the supposed strength of the recovery, despite the fact that, under President Obama, only the rich in this country have gotten richer while the poor and the middle class continue to struggle.

Today our committee brings to the floor a package of bills that will do what, they will help small businesses. They will help people get new jobs. They will help the creation of new hiring. They will help those hardworking Americans who want to get a better job and improve themselves to create wealth in this country and not just rely, as in the past, on taxpayer economic sugar highs provided by the Federal Reserve or wasteful stimulus programs.

What do we have right now? We have five bills. We have Mr. HULTGREN's legislation that will help hardworking Americans by giving Americans more chance to do what? Invest their money so they can work.

We have Mr. HURT's legislation initiatives to hold the SEC accountable, yes, hold American bureaucrats accountable and reduce Washington's unnecessary burdens on small public companies.

We have Mr. HUIZENGA's bill to make it easier for small businesses to simply receive advice from professionals.

Finally, we have Mr. HILL's bill over here that will allow investors greater access to research on investment funds before they invest their money.

Mr. Chairman, what we have here is that not a single one of these provisions will grow the bureaucracy, not a single one of these provisions will throw more taxpayer dollars at the situation in the hopes that it will solve some perceived problem out there, and not a single one of these provisions include any new Federal mandates on the job creators of this country: small businesses.

Each and every one of these is a positive solution to our economic problems. As an added bonus, they all have the benefit of being bipartisan.

Again, I thank you and all the sponsors for their support.

I urge my colleagues to support H.R. 1675.

Ms. MAXINE WATERS of California. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, how much time is remaining on each side?

The Acting CHAIR (Mr. BYRNE). The gentleman from Texas has 3½ minutes remaining. The gentlewoman from California has 3 minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Arizona (Ms. SINEMA), one of the Democratic cosponsors and cosponsor of title V of the bill.

Ms. SINEMA. Mr. Chairman, I thank Chairman HENSARLING for including legislation to review outdated and unnecessary regulation in this important bill.

And thank you to Congressman HURT for working across the aisle with me to advance this commonsense measure.

Business owners in Arizona regularly tell me that our inefficient and often confusing regulatory environment hurts their ability to grow and hire. This commonsense legislation requires the SEC to improve and repeal outdated regulations, holding them accountable, and providing certainty for businesses and consumers in Arizona.

This bill requires the SEC to within 5 years of enactment and then once every 10 years thereafter review all significant SEC rules and determine by Commission vote whether they are outmoded, ineffective, insufficient, excessively burdensome or are no longer in the public interest or consistent with the SEC's mission to protect investors, facilitate capital formation, and maintain fair, orderly, and efficient markets.

The Commission would then be required to provide notice and solicit public comment on whether such rules should be amended or repealed and then amend or repeal any such rule by vote in accordance with the Administrative Procedures Act.

Finally, the Commission would report to Congress within 45 days after any final vote, including any suggestions for legislative changes.

The bill would require the SEC to only review major or significant rules. It would not allow mandatory rulemakings to be repealed unilaterally by the SEC.

Should the SEC determine that legislation is necessary to amend or repeal a regulation, the bill requires the Commission to include in their report to Congress recommendations for such legislation.

Finally, the bill would prevent additional litigation by clarifying that the initial SEC vote would not be subject to judicial review.

I believe that reviewing significant rules at the SEC, as directed by the administration's executive order, is a worthwhile use of SEC resources.

I hope Members join me in supporting this bipartisan legislation.

Thank you, Chairman HENSARLING and Congressman HURT, for advancing this important legislation.

Ms. MAXINE WATERS of California. Mr. Chairman and Members, I yield myself such time as I may consume.

Since the gentleman from New Jersey talked about the President and

blamed him for everything he could think of, the administration is sending you a message. The administration strongly opposes H.R. 1675.

''Among other flaws, this bill includes several provisions that pose risks to investors, are overly broad, allow financial institutions to avoid appropriate oversight, and are duplicative of existing administrative authorities.''

Thank you from President Obama.

H.R. 1675 is yet another Republican attempt to deregulate Wall Street during the 114th Congress. We have seen time and time again that Republicans will stop at nothing to launch attacks at the expense of American consumers and taxpayers in order to help the largest Wall Street banks. This bill is another example of these tactics.

So far during this Congress, Republicans on the Financial Services Committee have taken a number of measures to undermine consumers, undermine investors, and undermine financial stability. Some of the worst examples of this include:

Change in the structure of the Consumer Financial Protection Bureau. Ladies and gentlemen, the Republicans hate the Consumer Financial Protection Bureau, and they have tried to bog the agency down in partisan gridlock and disfunction. Republicans never wanted to create the CFPB. Now that it is there and it is successful, they want to undercut it.

Deregulating large banks by removing the enhanced prudential standards established by the Dodd-Frank Act. This would allow large regional megabanks to escape basic rules related to capital, liquidity, and leverage established after the crisis.

Allowing discriminatory markups on automobile loans for racial and ethnic minority borrowers. Republicans want auto finance companies to be able to gouge minority consumers with interest rate markups even when those consumers are equally creditworthy compared to their White counterparts.

Removing consumer protections on mortgages for the largest banks. The Republicans would remove vital consumer protections from the riskiest mortgage products sold by the largest banks in this country.

The bill also would allow mortgage brokers to get hefty bonuses for steering borrowers into expensive and complex mortgage products.

Eliminating Dodd-Frank protections related to manufactured housing loans, thereby allowing consumers to be charged sky-high interest rates without providing them guaranteed housing counseling or legal recourse.

Undermining the Financial Stability Oversight Council. Our consolidated regulator in charge of monitoring systemic risk among the financial system by doubling the time it would take for them to designate risky nonbank companies for extra supervision.

We should not be surprised about this bill today. It is consistent with everything that they have been doing in order to protect Wall Street, the biggest banks that are too big to fail. This again is consistent with everything they have been doing.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am very proud of the fact, as the chairman of the Financial Services Committee, that we move a lot of bipartisan legislation. I take great pride in that. It is just so rare that the Democratic ranking member chooses to be a part of any of it.

Here we have major titles of this bill. Title I supported 45–15 with Democratic support; title II passed 48–9 with Democratic support; title III, 36–24; title IV, 44–11; title V, 41–16, yet another bipartisan exercise where men and women of goodwill come together to try to work on behalf of the working families of America. Yet again, the ranking member and those who are close to her choose not to be a part of this.

I guess I would ask, Mr. Chairman, how many more people have to suffer in this economy? Working families are struggling. Their paychecks are less since the President came to office, since we have had 8 years of Obamanomics. They have 10 to 15 percent less in their bank accounts. We have tried it their way, Mr. Chairman, and it has failed.

Why does the ranking member and other Democrats continue this war on small business? We are losing our small businesses. Entrepreneurship in America is at a generational low.

We are trying to give them a little bit of a bipartisan lifeline to breath a little life into these small businesses to allow them to create more jobs and better career paths so that so many people don't struggle to pay their mortgages and to pay their healthcare premiums.

These are modest changes. I am glad that a number of Democrats have decided to cross the ranking member and want to do something that is commonsense that will help small businesses and help the struggling working people in America.

I urge all to vote for the act. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–43. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Capital Markets Improvement Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—ENCOURAGING EMPLOYEE OWNERSHIP

SEC. 101. INCREASED THRESHOLD FOR DISCLOSURES RELATING TO COMPENSATORY BENEFIT PLANS.

Not later than 60 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise section 230.701(e) of title 17, Code of Federal Regulations, so as to increase from $5,000,000 to $10,000,000 the aggregate sales price or amount of securities sold during any consecutive 12-month period in excess of which the issuer is required under such section to deliver an additional disclosure to investors. The Commission shall index for inflation such aggregate sales price or amount every 5 years to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, rounding to the nearest $1,000,000.

TITLE II—FAIR ACCESS TO INVESTMENT RESEARCH

SEC. 201. SAFE HARBOR FOR INVESTMENT FUND RESEARCH.

(a) EXPANSION OF SAFE HARBOR.—Not later than the end of the 45-day period beginning on the date of enactment of this Act, the Securities and Exchange Commission shall propose, and not later than the end of the 120-day period beginning on such date, the Commission shall adopt, upon such terms, conditions, or requirements as the Commission may determine necessary or appropriate in the public interest, for the protection of investors, and for the promotion of capital formation, revisions to section 230.139 of title 17, Code of Federal Regulations, to provide that a covered investment fund research report—

(1) shall be deemed, for purposes of sections 2(a)(10) and 5(c) of the Securities Act of 1933, not to constitute an offer for sale or an offer to sell a security that is the subject of an offering pursuant to a registration statement that the issuer proposes to file, or has filed, or that is effective, even if the broker or dealer is participating or will participate in the registered offering of the covered investment fund's securities; and

(2) shall be deemed to satisfy the conditions of subsection (a)(1) or (a)(2) of section 230.139 of title 17, Code of Federal Regulations, or any successor provisions, for purposes of the Commission's rules and regulations under the Federal securities laws and the rules of any self-regulatory organization.

(b) IMPLEMENTATION OF SAFE HARBOR.—In implementing the safe harbor pursuant to subsection (a), the Commission shall—

(1) not, in the case of a covered investment fund with a class of securities in substantially continuous distribution, condition the safe harbor on whether the broker's or dealer's publication or distribution of a covered investment fund research report constitutes such broker's or dealer's initiation or reinitiation of research coverage on such covered investment fund or its securities;

(2) not—

(A) require the covered investment fund to have been registered as an investment company under the Investment Company Act of 1940 or subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 for any period exceeding twelve months; or

(B) impose a minimum float provision exceeding that referenced in subsection (a)(1)(i)(A)(1)(i) of section 230.139 of title 17, Code of Federal Regulations;

(3) provide that a self-regulatory organization may not maintain or enforce any rule that would—

(A) condition the ability of a member to publish or distribute a covered investment fund research report on whether the member is also participating in a registered offering or other distribution of any securities of such covered investment fund;

(B) condition the ability of a member to participate in a registered offering or other distribution of securities of a covered investment fund on whether the member has published or distributed a covered investment fund research report about such covered investment fund or its securities; or

(C) require the filing of a covered investment fund research report with such self-regulatory organization; and

(4) provide that a covered investment fund research report shall not be subject to sections 24(b) or 34(b) of the Investment Company Act of 1940 or the rules and regulations thereunder.

(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as in any way limiting—

(1) the applicability of the antifraud provisions of the Federal securities laws; or

(2) the authority of any self-regulatory organization to examine or supervise a member's practices in connection with such member's publication or distribution of a covered investment fund research report for compliance with otherwise applicable provisions of the Federal securities laws or self-regulatory organization rules.

(d) INTERIM EFFECTIVENESS OF SAFE HARBOR.—From and after the 120-day period beginning on the date of enactment of this Act, if the Commission has not met its obligations pursuant to subsection (a) to adopt revisions to section 230.139 of title 17, Code of Federal Regulations, and until such time as the Commission has done so, a covered investment fund research report published or distributed by a broker or dealer after such date shall be deemed to meet the requirements of section 230.139 of title 17, Code of Federal Regulations, and to satisfy the conditions of subsection (a)(1) or (a)(2) thereof for purposes of the Commission's rules and regulations under the Federal securities laws and the rules of any self-regulatory organization, as if revised and implemented in accordance with subsections (a) and (b).

(e) DEFINITIONS.—For purposes of this section:

(1) COVERED INVESTMENT FUND RESEARCH REPORT.—The term ''covered investment fund research report'' means a research report published or distributed by a broker or dealer about a covered investment fund or any of its securities.

(2) COVERED INVESTMENT FUND.—The term ''covered investment fund'' means—

(A) an investment company registered under, or that has filed an election to be treated as a business development company under, the Investment Company Act of 1940 and that has filed a registration statement under the Securities Act of 1933 for the public offering of a class of its securities, which registration statement has been declared effective by the Commission; and

(B) a trust or other person—

(i) that has a class of securities listed for trading on a national securities exchange;

(ii) the assets of which consist primarily of commodities, currencies, or derivative instruments that reference commodities or currencies, or interests in the foregoing; and

(iii) that allows its securities to be purchased or redeemed, subject to conditions or limitations, for a ratable share of its assets.

(3) RESEARCH REPORT.—The term ''research report'' has the meaning given to that term under section 2(a)(3) of the Securities Act of 1933, except that such term shall not include an oral communication.

(4) SELF-REGULATORY ORGANIZATION.—The term ''self-regulatory organization'' has the meaning given to that term under section 3(a)(26) of the Securities Exchange Act of 1934.

TITLE III—SMALL BUSINESS MERGERS, ACQUISITIONS, SALES, AND BROKERAGE SIMPLIFICATION

SEC. 301. REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.

Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

''(13) REGISTRATION EXEMPTION FOR MERGER AND ACQUISITION BROKERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an M&A broker shall be exempt from registration under this section.

''(B) EXCLUDED ACTIVITIES.—An M&A broker is not exempt from registration under this paragraph if such broker does any of the following:

''(i) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits, or has custody of the funds or securities to be exchanged by the parties to the transaction.

''(ii) Engages on behalf of an issuer in a public offering of any class of securities that is registered, or is required to be registered, with the Commission under section 12 or with respect to which the issuer files, or is required to file, periodic information, documents, and reports under subsection (d).

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit any other authority of the Commission to exempt any person, or any class of persons, from any provision of this title, or from any provision of any rule or regulation thereunder.

''(D) DEFINITIONS.—In this paragraph:

''(i) CONTROL.—The term 'control' means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control for any person who—

''(I) is a director, general partner, member or manager of a limited liability company, or officer exercising executive responsibility (or has similar status or functions);

''(II) has the right to vote 20 percent or more of a class of voting securities or the power to sell or direct the sale of 20 percent or more of a class of voting securities; or

''(III) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 20 percent or more of the capital.

''(ii) ELIGIBLE PRIVATELY HELD COMPANY.—The term 'eligible privately held company' means a company that meets both of the following conditions:

''(I) The company does not have any class of securities registered, or required to be registered, with the Commission under section 12 or with respect to which the company files, or is required to file, periodic information, documents, and reports under subsection (d).

''(II) In the fiscal year ending immediately before the fiscal year in which the services of the M&A broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):

''(aa) The earnings of the company before interest, taxes, depreciation, and amortization are less than $25,000,000.

''(bb) The gross revenues of the company are less than $250,000,000.

''(iii) M&A BROKER.—The term 'M&A broker' means a broker, and any person associated with a broker, engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible privately held company, regardless of whether the broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the eligible privately held company, if the broker reasonably believes that—

''(I) upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert, will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and

''(II) if any person is offered securities in exchange for securities or assets of the eligible privately held company, such person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to the most recent year-end balance sheet, income statement, statement of changes in financial position, and statement of owner's equity of the issuer of the securities offered in exchange, and, if the financial statements of the issuer are audited, the related report of the independent auditor, a balance sheet dated not more than 120 days before the date of the offer, and information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and material loss contingencies of the issuer.

''(E) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—On the date that is 5 years after the date of the enactment of the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act of 2015, and every 5 years thereafter, each dollar amount in subparagraph (D)(ii)(II) shall be adjusted by—

''(I) dividing the annual value of the Employment Cost Index For Wages and Salaries, Private Industry Workers (or any successor index), as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of such index (or successor) for the calendar year ending December 31, 2012; and

''(II) multiplying such dollar amount by the quotient obtained under subclause (I).

''(ii) ROUNDING.—Each dollar amount determined under clause (i) shall be rounded to the nearest multiple of $100,000.''.

SEC. 302. EFFECTIVE DATE.

This title and any amendment made by this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE IV—SMALL COMPANY DISCLOSURE SIMPLIFICATION

SEC. 401. EXEMPTION FROM XBRL REQUIREMENTS FOR EMERGING GROWTH COMPANIES AND OTHER SMALLER COMPANIES.

(a) EXEMPTION FOR EMERGING GROWTH COMPANIES.—Emerging growth companies are exempted from the requirements to use Extensible Business Reporting Language (XBRL) for financial statements and other periodic reporting required to be filed with the Commission under the securities laws. Such companies may elect to use XBRL for such reporting.

(b) EXEMPTION FOR OTHER SMALLER COMPANIES.—Issuers with total annual gross revenues of less than $250,000,000 are exempt from the requirements to use XBRL for financial statements and other periodic reporting required to be filed with the Commission under the securities laws. Such issuers may elect to use XBRL for such reporting. An exemption under this subsection shall continue in effect until—

(1) the date that is five years after the date of enactment of this Act; or

(2) the date that is two years after a determination by the Commission, by order after conducting the analysis required by section 402, that the benefits of such requirements to such issuers outweigh the costs, but no earlier than three years after enactment of this Act.

(c) MODIFICATIONS TO REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Commission shall revise its regulations under parts 229, 230, 232, 239, 240, and 249 of title 17, Code of Federal Regulations, to reflect the exemptions set forth in subsections (a) and (b).

SEC. 402. ANALYSIS BY THE SEC.

The Commission shall conduct an analysis of the costs and benefits to issuers described in section 401(b) of the requirements to use XBRL for financial statements and other periodic reporting required to be filed with the Commission under the securities laws. Such analysis shall include an assessment of—

(1) how such costs and benefits may differ from the costs and benefits identified by the Commission in the order relating to interactive data to improve financial reporting (dated January 30, 2009; 74 Fed. Reg. 6776) because of the size of such issuers;

(2) the effects on efficiency, competition, capital formation, and financing and on analyst coverage of such issuers (including any such effects resulting from use of XBRL by investors);

(3) the costs to such issuers of—

(A) submitting data to the Commission in XBRL;

(B) posting data on the website of the issuer in XBRL;

(C) software necessary to prepare, submit, or post data in XBRL; and

(D) any additional consulting services or filing agent services;

(4) the benefits to the Commission in terms of improved ability to monitor securities markets, assess the potential outcomes of regulatory alternatives, and enhance investor participation in corporate governance and promote capital formation; and

(5) the effectiveness of standards in the United States for interactive filing data relative to the standards of international counterparts.

SEC. 403. REPORT TO CONGRESS.

Not later than one year after the date of enactment of this Act, the Commission shall provide the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report regarding—

(1) the progress in implementing XBRL reporting within the Commission;

(2) the use of XBRL data by Commission officials;

(3) the use of XBRL data by investors;

(4) the results of the analysis required by section 402; and

(5) any additional information the Commission considers relevant for increasing transparency, decreasing costs, and increasing efficiency of regulatory filings with the Commission.

SEC. 404. DEFINITIONS.

As used in this title, the terms ''Commission'', ''emerging growth company'', ''issuer'', and ''securities laws'' have the meanings given such terms in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

TITLE V—STREAMLINING EXCESSIVE AND COSTLY REGULATIONS REVIEW

SEC. 501. REGULATORY REVIEW.

(a) REVIEW AND ACTION.—Not later than 5 years after the date of enactment of this Act, and at least once within each 10-year period thereafter, the Securities and Exchange Commission shall—

(1) review each significant regulation issued by the Commission;

(2) determine by Commission vote whether each such regulation—

(A) is outmoded, ineffective, insufficient, or excessively burdensome; or

(B) is no longer necessary in the public interest or consistent with the Commission's mandate to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation;

(3) provide notice and solicit public comment as to whether a regulation described in subparagraph (A) or (B) of paragraph (2) (as determined by Commission vote pursuant to such paragraph) should be amended to improve or modernize such regulation so that such regulation is in the public interest, or whether such regulation should be repealed; and

(4) amend or repeal any regulation described in subparagraph (A) or (B) of paragraph (2), as determined by Commission vote pursuant to such paragraph.

(b) DEFINITION.—As used in this section and for purposes of the review required by subsection (a) the term ''significant regulation'' has the meaning given the term ''major rule'' in section 804(2) of title 5, United States Code.

(c) REPORT TO CONGRESS.—Not later than 45 days after any final Commission vote described in subsection (a)(2), the Commission shall transmit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the Commission's review under subsection (a), its vote or votes, and the actions taken pursuant to paragraph (3) of such subsection. If the Commission determines that legislation is necessary to amend or repeal any regulation described in subparagraph (A) or (B) of subsection (a)(2), the Commission shall include in the report recommendations for such legislation.

(d) NOT SUBJECT TO JUDICIAL REVIEW.—Any vote by the Commission made pursuant to subsection (a)(2) shall be final and not subject to judicial review.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 114–414. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 114–414.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, after line 17, insert the following:

SEC. 102. STUDY AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Securities and Exchange Commission shall complete a study and submit to Congress a report on the prevalence of employee ownership plans within companies that have a flexible or social benefit component in the articles of incorporation or similar governing documents of such companies, as permitted under applicable State law.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1515

Mr. DESAULNIER. Mr. Chairman, this is a straightforward study amendment that intends to build on the potential links between employee-owned corporations and social benefit corporations. This amendment requires the SEC to study overlaps between employee-owned corporations and alternative corporate forms authorized under various State laws.

Alternative corporate forms allow corporations, with the consent of their shareholders, to pursue social and environmental goals as a for-profit business enterprise. With legal protections that allow companies to consider the interests of all stakeholders, benefit corporations can help solve social and environmental challenges through their businesses. Benefit corporation status and other corporate forms allow companies to differentiate themselves and appeal to all consumers.

Alternative corporate forms provide legal protections that benefit innovators, entrepreneurs, investors, and consumers. These legal protections have helped create opportunities for innovation in States like California, which currently attracts almost half of all venture capital investment in the United States.

Some of these alternative corporate forms include flexible purpose corporations, benefit corporations, and low-profit limited liability companies. Benefit corporations, the most common type of alternative corporate form, are authorized in 30 States, including in the District of Columbia, and are currently being considered in five more States. L3Cs are authorized in eight States.

My amendment simply seeks to improve the availability of data so Congress can explore connections between employee-owned corporations and these increasingly popular alternative corporate forms.

Specifically again, this amendment requires the SEC to study and report to Congress the prevalence of employee-owned ownership plans within corporations that also include a flexible or a social benefit component in their articles of incorporation as allowed under relevant State laws.

Mr. Chairman, I urge my colleagues to support this commonsense amendment to improve our understanding of employee-owned corporations.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I appreciate the gentleman's amendment, but I find it somewhat ironic when I continue to hear pleas from the other side of the aisle on how terribly burdened the SEC is and what great need they have that they can't make due with the resources that they have, and then here is a study which would be yet another burden on the SEC. First, Mr. Chairman, I find that somewhat ironic.

I don't find that the gentleman's amendment really has anything to do with encouraging employee ownership at privately held companies. I guess what really disturbs me, Mr. Chairman, is that this goal or this agenda of many is to take disclosure from those items that will enhance shareholder value and to, instead, take this into a debate about social values.

We are a very diverse country, and this is a good thing. There may be some investors who are interested in companies that support a pro-life position, and there may be others who are interested in a company that supports a pro-abortion position; but that has very little to do with the investment return, which, for most American families, is what they care about when they wonder if they are going to be able to pay for their home mortgages, to pay their utility bills, or to send their kids to college.

There are some people in America who support the Second Amendment, and there are some people who don't. Again, there is a wide diversity of social issues, and for those who wish to invest along those lines, in a relatively free society, they ought to be able to do that. If they can't get the information they need from a corporation, they have a multitude of investment opportunities. If they don't feel they are getting the type of social value information they need, they have a variety of opportunities.

I feel that the gentleman from California's amendment leads us down a road that, I think, ultimately, is harmful to working Americans who are trying to invest their meager savings in order to make ends meet. I urge that we reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DESAULNIER. Mr. Chairman, while I respect the gentleman's understanding and his years of work in this field, I think my experience as a new Member who is coming from a State legislature that involved the business community in the development of some of these alternative forms, it is merely providing more information for shareholders and investors. That is why, when we did it in California, we had bipartisan support, including having the support from the business community.

That is the spirit, at least, in which I am offering the amendment. I don't think it would be, from a cost-benefit standard, very hard for the SEC to provide this information to Congress so that, as these forms continue to move throughout the States, we have a better understanding. That is the purpose and the spirit of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DESAULNIER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HUIZENGA OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 114–414.

Mr. HUIZENGA of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 16, insert the following:

''(iii) Engages on behalf of any party in a transaction involving a public shell company.

''(C) DISQUALIFICATIONS.—An M&A broker is not exempt from registration under this paragraph if such broker is subject to—

''(i) suspension or revocation of registration under paragraph (4);

''(ii) a statutory disqualification described in section 3(a)(39);

''(iii) a disqualification under the rules adopted by the Commission under section 926 of the Investor Protection and Securities Reform Act of 2010 (15 U.S.C. 77d note); or

''(iv) a final order described in paragraph (4)(H).''.

Page 9, line 17, strike ''(C)'' and insert ''(D)''.

Page 9, line 23, strike ''(D)'' and insert ''(E)''.

Page 10, line 23, insert ''privately held'' after ''means a''.

Page 13, beginning on line 6, strike ''year-end balance sheet'' and all that follows through ''report of the independent auditor'' and insert ''fiscal year-end financial statements of the issuer of the securities as customarily prepared by the management of the issuer in the normal course of operations and, if the financial statements of the issuer are audited, reviewed, or compiled, any related statement by the independent accountant''.

Page 13, after line 20, insert the following:

''(iv) PUBLIC SHELL COMPANY.—The term 'public shell company' is a company that at the time of a transaction with an eligible privately held company—

''(I) has any class of securities registered, or required to be registered, with the Commission under section 12 or that is required to file reports pursuant to subsection (d);

''(II) has no or nominal operations; and

''(III) has—

''(aa) no or nominal assets;

''(bb) assets consisting solely of cash and cash equivalents; or

''(cc) assets consisting of any amount of cash and cash equivalents and nominal other assets.''.

Page 13, line 21, strike ''(E)'' and insert ''(F)''.

Page 14, beginning on line 2, strike ''subparagraph (D)(ii)(II)'' and insert ''subparagraph (E)(ii)(II)''.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman.

Mr. HUIZENGA of Michigan. Mr. Chairman, it has been estimated that approximately $10 trillion—with a T, 12 zeros—worth of small, privately owned, and family-operated businesses will be sold or closed in the coming years as baby boomers retire. Mergers and acquisitions brokers, or M&A brokers as they are often called, will play a critical role in facilitating the transfer of ownership of these small, privately held companies.

If you were here earlier today, you would have heard me issue a red herring alert. This is exhibit A, what we are dealing with right now, as to what that red herring alert is and as you are hearing from my colleagues on the other side of the aisle. This is exhibit A, what I used to use as an example of Washington working.

Last Congress, I had this exact bill, and it passed this body unanimously. Let me repeat that—unanimously. There were zero votes against it. It went on as a suspension bill. It went on suspension because it was noncontroversial. It was agreed that this was the right direction to go. Unfortunately, I now have to use this bill and my portion—this amendment that we are dealing with—as an example of how D.C. is broken, and we wonder why the American people are cynical. Let's get to the heart of the matter.

Why do we need to do this? Why do we need to address this particular issue regarding these M&A brokers?

Today, Federal securities regulations require an M&A broker to be registered and regulated by the Securities and Exchange Commission and FINRA, just like Wall Street investment bankers who buy and sell publicly traded companies. So let's just get this point clear. These are not folks on Wall Street. These are folks in Holland, Michigan, in Grand Rapids, Michigan, in California, in Texas, in Florida, and anywhere else that one is selling a small, family-owned business. That is right. Anyone who is dealing with a sale or who is brokering the sale of a business anywhere in America is forced to register with the Federal Government and be regulated as a securities broker-dealer regardless of the size of the business or the sale transaction. This red tape is, of course, in addition to the State laws that already regulate those transfers.

How did we get here?

This bill corrects an unintended consequence of a 1985 Supreme Court ruling that overturned a lower court that

created the sale of business doctrine. Prior to that decision, private company sales were exempted from Federal regulation. Since 1985, the SEC has issued many nonaction—or no action—letters that, under various but differing factual circumstances, have granted relief for M&A brokers. However, the other side is not willing to actually put it into law.

Let's be clear. Title III of H.R. 1675 does not do away and does not change in any way, affect, or limit the SEC's jurisdiction or powers to investigate and enforce Federal securities laws. Rather, it simply exempts M&A brokers from SEC registration as broker-dealers, which makes the transfer of these small, family-owned businesses affordable. In fact, what do you do when you own a small family business? I own one. If I am able to save money on one side, I am able to invest it into my employees, and I am able to invest it into the equipment that is in my business.

Federal securities regulation is primarily designed to protect passive investors in public security markets. Passive investors are people like you and me who might just buy a share in a company somewhere. Privately negotiated M&A transactions are vastly different and benefit little from SEC and FINRA registration and regulation but are burdened by the same regulatory requirements, obligations, and associated costs. M&A brokers, themselves, are small businesses.

Title III of H.R. 1675 includes my bipartisan legislation, H.R. 686, the Small Business Mergers, Acquisitions, Sales, and Brokerage Simplification Act, which would create a simplified system for brokers facilitating the transfer of ownership of small, privately held companies. Yes, it was a bipartisan bill that passed our committee.

My amendment would further clarify two things:

First, any broker or associated person who is subject to suspension or revocation of registration is disqualified from the exemption. In other words, if you are a bad actor, you are exempted. You are not allowed to take part in this;

Second is the inapplicability of the exemption to any M&A transaction where one party or more is a shell company. We heard that being brought up as a reason we shouldn't be doing this. Again, we offer an exemption. If there is a shell company, that is not allowed to be used.

By including these additional investor protections—let me repeat, ''additional''—this amendment strikes an appropriate balance between the legitimate interests of all stakeholders and maintains strong protections for investors and small businesses.

Today, Mr. Chairman, I just hope that we will see some common sense, that we will not chase after the red herrings that are being thrown out there, and that we will support H.R. 1675.

I yield back the balance of my time.

Ms. MAXINE WATERS of California. Mr. Chairman, I rise in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. MAXINE WATERS of California. Mr. Chairman, I would like to thank Mr. HUIZENGA for addressing one of the many glaring problems with this bill.

Title III of this bill significantly expands an exemption granted by the SEC to certain brokers but without providing the significant protections the SEC deemed important for small businesses or investors.

This amendment would prevent people who have committed fraud and securities violations—individuals who couldn't sell used stock but who could sell your small business in the underlying bill—from claiming this exemption.

However, why does the amendment limit the bad actor provision to just this title? Why not make it explicit that persons and companies that have committed fraud are not eligible to take advantage of any of the exemptions provided in this act?

I also appreciate that the amendment prevents public shell companies from taking advantage of this title, which would otherwise allow private companies to circumvent important public company disclosure requirements.

Mr. Chairman, I would like to know why the author completely ignores the other six investor protections in the SEC's no action relief. I am not aware of any witness before our committee who explained how these other investor protections were burdensome. Indeed, they seemed like commonsense protections.

For example, the SEC required merger and acquisition brokers who represent both parties of the transaction to obtain the consent of both parties to that conflict of interest. Similarly, the SEC prohibited M&A brokers from engaging in private placements and arranging buyer financing because the narrow exemption from registration is intended for persons who fairly facilitate the merger of small businesses, not for the promoters who are compensated for their ability to hype up the value of the companies and attract new investment.

□ 1530

If Republicans truly wanted to codify the SEC's administrative action to provide legal certainty for these brokers, then they should have accepted the Democratic amendment adding back in these protections. But that isn't the point of this bill, and this amendment is just a sleight of hand that all is well.

Let me just mention here that registered broker-dealers are subject to a variety of regulatory requirements that nonbroker-dealer M&A advisers are not, including, without limitation, regarding antimoney laundering, privacy of customer information, supervisory reporting and recordkeeping requirements, inspections by the SEC and SRO, such as FINRA, supervision and regulation of employees' trading and outside business activities, insider trading, and regulations governing interactions between a broker-dealer's investment banking and research departments.

H.R. 686 risks promoting lower standards and less rigor and regulatory oversight in the providing of this important advice.

It is worthy to add that SIFMA is opposed to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SHERMAN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 114–414.

Mr. SHERMAN. Mr. Chairman, I offer my amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 16, insert the following:

''(C) DISQUALIFICATION FOR CERTAIN CONDUCT.—An M&A broker may not make use of the exemption under this paragraph if the broker—

''(i) has been barred from association with a broker or dealer by the Commission, any State, or any self-regulatory organization; or

''(ii) is suspended from association with a broker or dealer.

''(D) TRANSACTIONS INVOLVING SHELL COMPANIES PROHIBITED.—

''(i) IN GENERAL.—An M&A broker making use of the exemption under this paragraph may not engage in a transaction involving a shell company, other than a business combination related shell company.

''(ii) SHELL COMPANY DEFINED.—In this subparagraph, the term 'shell company' means a company that—

''(I) has no or nominal operations; and

''(II) has—

''(aa) no or nominal assets;

''(bb) assets consisting solely of cash and cash equivalents; or

''(cc) assets consisting of any amount of cash and cash equivalents and nominal other assets.

''(iii) BUSINESS COMBINATION RELATED SHELL COMPANY DEFINED.—In this subparagraph, the term 'business combination related shell company' means a shell company that is formed by an entity that is not a shell company solely for the purpose of—

''(I) changing the corporate domicile of such entity solely within the United States; or

''(II) completing a business combination transaction (as defined in section 230.165(f) of title 17, Code of Federal Regulations) among one or more entities other than the shell company, none of which is a shell company.

''(E) FINANCING BY M&A BROKERS PROHIBITED.—An M&A broker may not provide financing, either directly or indirectly, related to the transfer of ownership of an eligible privately held company.

''(F) DISCLOSURE AND CONSENT.—To the extent an M&A broker represents both buyers and sellers of an eligible privately held company, the broker shall provide clear written

disclosure as to the parties the broker represents and obtain written consent from all parties to the joint representation.

''(G) PASSIVE BUYERS PROHIBITED.—An M&A broker may not engage in a transaction involving the transfer of ownership of an eligible privately held company to a passive buyer or group of passive buyers.

''(H) NO AUTHORITY TO BIND PARTY TO TRANSFER.—The M&A broker may not bind a party to a transfer of ownership of an eligible privately held company.

''(I) RESTRICTED SECURITIES.—Any securities purchased or received by the buyer or M&A broker in connection with the transfer of ownership of an eligible privately held company are restricted securities (as defined in section 230.144(a)(3) of title 17, Code of Federal Regulations).

Page 10, line 8, insert '', and'' after ''officer''.

Page 10, beginning on line 11, strike ''20 percent'' and insert ''25 percent''.

Page 10, line 14, strike ''20 percent'' and insert ''25 percent''.

Page 10, line 19, strike ''20 percent'' and insert ''25 percent''.

Page 12, beginning on line 19, strike ''will be active in the management of'' and insert ''will actively operate''.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Chairman, there may be some acrimony on the floor from time to time, but I think we are mostly in agreement.

The SEC, under some tutelage from the committee, in January of 2014 issued its no-action letter providing that, in certain circumstances, a small business merger or acquisitions broker would not have to register. They issued this in January of 2014.

The gentleman from Michigan brought forward a good bill designed to codify that decision by the SEC, but he did not in his codification include six of the limitations that the SEC had in its no-action letter.

Now he has brought forward and I think we just adopted an amendment to add to his bill the two most important limitations that the SEC had in its no-action letter.

It excludes from the exemption those who have been bad actors in the past and barred from association with broker-dealers, and it excludes shell companies.

As far as it goes, I think that is a good amendment. I am glad we adopted it.

But if we are going to deal with this area with statute, we should take a look at the other exclusions from the exemption that the SEC included in its no-action letter.

The amendment that is before us today is the same amendment I offered in committee. It does everything that the gentleman from Michigan's amendment does and takes the additional exclusions that the SEC had in its no-action letter.

The most important of these is to require that, to be eligible, a broker would have to disclose to both parties and get consent from both parties if they are getting paid by both parties.

So if you are getting a seller's commission and a buyer's commission, you would tell the buyer and the seller that that is the case. This amendment would add that as a requirement for the exemption.

We would also have, as the SEC had in its no-action letter, an exclusion where there are passive buyers. So this is the amendment I offered in committee. It includes the amendment that we just adopted. It includes the other exclusions from the exemption that the SEC adopted.

None of the SEC's exclusions from its exemption have been controversial. So I would like to go beyond the gentleman from Michigan's amendment and include all of those exclusions from the exemption.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I do appreciate the gentleman from California's amendment. I think there are a lot of well-thought ideas here. I appreciate the sentiment by which he approached the amendment.

I do believe, though, that, in this particular case, this amendment goes a little bit too far in the wrong direction and ultimately can prove to hurt a number of small businesses and economic growth.

Number one, a lot of what the gentleman is trying to achieve I think has already been achieved in the amendment by the gentleman from Michigan that we just approved on voice vote here on the floor.

I would also add that, with the amendment from the gentleman from Michigan, who has the underlying title of this bill, the language now is identical to the bipartisan Senate language.

We know how difficult it is to get laws passed. I think it is important, where we can, to align the language with the other side of the Capitol. I think this could ease passage of a bill which is bipartisan, again, on both ends of the Capitol.

Again, I appreciate what the gentleman from California is trying to do, but I think that the gentleman from Michigan strikes the appropriate balance.

Mr. SHERMAN. Will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Chair, there might be some advantage to having language identical to the Senate, if the bill was identical to a Senate bill.

In this case, this title is being added to five other titles. In the committee, we dealt with it as six separate bills. Here on the floor, it is one bill. So there is no particular advantage to conforming to the Senate.

If the Senate language does not exclude from the exemption those brokers that fail to disclose that they are representing both sides, then that proves the additional wisdom——

Mr. HENSARLING. Mr. Chairman, reclaiming my time. I appreciate the gentleman's pushback, but I am still not going to quite see things his way.

I believe that the gentleman from Michigan strikes the proper balance here, particularly at a time when, again, our working families are struggling and this economy is limping along. We had a fourth-quarter GDP report where this economy was barely on life support systems.

We have to jump-start our small businesses. We have to jump-start capital formation. The gentleman from Michigan has the right balance.

I reserve the balance of my time.

Mr. SHERMAN. Mr. Chairman, we have tough economic conditions out in our country. We need more jobs. We need business to operate smoothly.

How many jobs do we create by telling merger and acquisition brokers that they can get fees from the seller and get fees from the buyer and not tell either party that they are getting paid by both parties?

That is not an essential element. That failure to disclose is not an essential element of rejuvenating the American economy.

This bill is not identical to the Senate bill because this bill has six titles. The Senate bill has one title.

Here is a chance for the House to show its superior wisdom to include language that neither the author of the bill nor the chairman of the committee argues against in substance to add language that says that, if you want to enjoy this exemption, you have to tell both parties that you are being paid by both parties if, indeed, you are being paid by both parties.

So this additional disclosure requirement is good on the merits. It does nothing to delay the adoption of the additional legislation. I am confident that a rejuvenation of our economy does not require that we conceal from those who are buying and selling businesses the fact that their broker is getting paid by both sides. Let's provide for full disclosure. Let's revitalize the economy.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chairman, I appreciate the efforts of my colleague from California. We have worked well on a number of these issues.

I would point out, though, that maybe not you, but some others are trying to act like this is the monumental thing whereas mergers and acquisitions are going to fail or flounder whether your amendment is passed.

While it may be of some interest and I think it has some things that are either benign or not terribly objectionable, we do know—and I think we probably would both jointly agree—that oftentimes our problem isn't between us. It is between trying to get this body and the Senate to agree. If we can have one less thing to have a disagreement with them on as we are advancing this, I am all for it.

I will specifically say subsection (C) on page 1, as you are talking about, my amendment adds what you have in there and more bad actor disqualifications. Actually, your amendment would roll that back. I don't think that was your intention, but that is what it would do.

In subsection (D), our amendment adds the same disqualification, but is shorter and simpler to understand, which is also important as we are dealing with the Senate.

In subsection (E), there is no apparent reason to prevent private business sellers and buyers from getting a transaction fee from a bank that is affiliated with an M&A broker. There shouldn't be some sort of exclusion on that.

In subsection (F), it is highly, highly unusual that an M&A broker would work for both the seller and the buyer in the same transaction. So I think this is maybe a section in search of a problem.

Subsection (G), adding this prohibition is frankly redundant, in our view, and could cause some more confusion.

In subsection (H), the reasonable belief element sort of does the same thing. I am not sure what we are trying to get at other than maybe causing some more confusion. It is not, again, an intention of that but is what it would do.

Subsection (I) is simply restating the existing law.

So I think, as we are going through this, we are not wildly out of disagreement. I just believe that the amendment that was offered and passed earlier, which puts us in line, again, with the efforts of the Senate, is a better way to go.

Again, to my friend from California, this is not you that I will direct this at, but others on your side of the aisle who are pointing to the no-action letter as the reason why we don't have to do this legislation.

Yet, now we are saying we have to pass your amendment because it is only a no-action letter and we need this into the law. So we can't have it both ways.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. THORNBERRY) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENCOURAGING EMPLOYEE OWNERSHIP ACT OF 2015

The Committee resumed its sitting.

The Acting CHAIR (Mr. BYRNE). It is now in order to consider amendment No. 4 printed in part A of House Report 114–414, which the Chair understands will not be offered.

It is now in order to consider amendment No. 5 printed in part A of House Report 114–414, which the Chair understands will not be offered.

AMENDMENT NO. 6 OFFERED BY MR. ISSA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 114–414.

Mr. ISSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, after line 9, insert the following:

(d) LIMITATION TO NEW FILERS.—The exemptions set forth in subsections (a) and (b) shall apply only with respect to issuers that are first required to file financial statements and other periodic reporting with the Commission under the securities laws after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chair, my amendment quite simply makes this bill better. Since 2011, almost 5 years, virtually every single public company has reported financial statements to the SEC by electronic, searchable, readable data format, often called XBRL.

□ 1545

This searchable data allows the investor community to look through data in a way they never could under paper, and its accuracy is as good or as bad as the source material that goes onto that paper.

Now, both the author of the bill and myself agree on one thing: printing paper and sending electronic format is outdated. There is no question at all that the SEC, the Securities and Exchange Commission, is long overdue to convert to an all-electronic filing.

As a matter of fact, for most of the people that will be listening and watching today, they are already electronically filing their income tax and then printing out a paper copy to stick in a drawer. The idea that a public company who spends two, three, four or more millions of dollars in compliance every year would file paper, and then that paper would be electronically scanned, sent to India, converted to data, and then analyzed by the investment community is truly about the most backwards way one could imagine doing it.

What my amendment to Mr. HURT's bill that is enclosed in the larger bill says is, we understand that some small startup companies, even though they are going public, may have a difficult time transitioning, and the idea that they would be allowed to go optional, as Congressman HURT's bill intends, is acceptable if, in fact, it is for a short period of time, as the eventual transition to all-electronic filing goes forward.

The many thousands of companies who have been successfully filing electronically and who have software that makes it simply a push of a button, coming off of this would, in fact, be a giant step backwards.

As we go toward all-electronic filing and the elimination of the absurdity of paper as the standard of the Securities and Exchange Commission, we only ask that this provision be one that is focused on new companies for a short period of time. That is the reason the amendment takes the 5-year exemption to all companies to be simply an exemption to new IPOs; in other words, companies that may not at the time of their public offering already have the software in place to do this filing.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim the time in gentle opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I say I rise in gentle opposition—I do not say that tongue in cheek—because the gentleman from California is highly respected as a Member of this body. His opinions are respected as an entrepreneur and as a small-business individual. His acumen is respected as an investor, and so it is not a pleasant experience to oppose one of his amendments. I appreciate the sentiment with which he offers it.

I would just remind all that title IV of the bill provides an optional exemption from the XBRL data filing requirements for emerging growth and smaller public companies for a limited period of time. I think there is an open question. One thing that the gentleman didn't get the benefit of was hearing all the testimony that we had within our committee. There was a lot of testimony about just how costly this is to a number of these companies.

Now, if the investing public demands it, then smaller companies will do it. For example, there was a Sarbanes-Oxley exemption for some smaller companies and only roughly half of them took it because for certain smaller companies what they found out was, well, the investors demanded it.

I would say, again, why don't we let the free market determine this. We are not talking about the types of information that are provided in disclosure. We

are talking about the format. We are talking about the format of disclosure.

We have heard testimony from a company that is spending over $50,000 annually on XBRL compliance and, at least in their case, they can't find people who follow their company who are actually using it, so that is $50,000 a year that could go into R&D, that could go into productivity enhancement, that could go into hiring more individuals.

I am not saying that XBRL is unimportant, but I think to some extent that at least for the smaller companies, and particularly at this time in our country's economic history, where we came off of an incredibly horrendous quarter, and we know that after 8 years of Obamanomics, we are limping along at half of our average economic growth, I think we want to err on the side of our small businesses, of our entrepreneurial ventures, of our small business startups, so I appreciate the value that XBRL provides to a lot of companies, a lot of investors, but I think if they demand it enough, we will provide it.

Mr. Chairman, I reserve the balance of my time.

Mr. ISSA. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), a senior member of the Committee on Financial Services.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, I rise in support of the gentleman's well thought out and meaningful amendment.

All financial regulators in the developed world require searchable PDFs, as his bill would allow, and that is why the Securities and Exchange Commission began requiring the extensible business reporting language. XBRL is the global standard for structured financial reporting. Why should we be any different?

By removing the requirement for 60 percent of the firms, as H.R. 1965 does, is a step backward for corporate transparency and the ability for investors to invest in new startups. It is a well-thought-out amendment. I congratulate you on it. I support it.

Mr. HENSARLING. Mr. Chairman, I reserve the balance of my time.

Mr. ISSA. Mr. Chairman, may I inquire as to how much time each side has remaining?

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining. The gentleman from Texas has 2 minutes remaining.

Mr. ISSA. Mr. Chairman, in closing, I have been on the board of a public company, of multiple public companies. I have taken a company public, as have many of the supporters of this amendment. I know the cost of taking a company public. It is in the millions. It is not in the thousands.

I also know that whether it is Bernie Madoff or Enron or WorldCom or a host of much smaller companies that have deceived the public, the Securities and Exchange Commission has an obligation to continuously improve the material available to the financial community and to make sure that it is equally searchable and equally accessible to the large and small investor. That is the reason that I strongly believe that elimination of paper, not covered in this bill, should not be replaced by elimination in any way of the reporting under the digital reporting requirements of the Securities and Exchange Commission.

I would urge Members that this is narrowly focused, much more narrow than the bill itself. It recognizes that if somebody wants to go public and not do this, they would have the ability to do so. As Mrs. MALONEY said, for 60 percent of the reporting companies to be exempted out would begin to rot away the underpinnings of a 5-year-old program that has been successful.

I would hope people would realize that it is not a necessary, a draconian backwards step to before 2011. In fact, from my information and from my experience, it is a de minimis cost to simply include a digital format that the world can look at and evaluate quicker and with greater accuracy.

I would like to thank the gentleman from Texas (Mr. HENSARLING), the chairman of the full committee, for bringing a combined bill that I generally approve of and hope that this amendment will make it a bill I can vote for.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Virginia (Mr. HURT), the author of title IV of H.R. 1675.

Mr. HURT of Virginia. Mr. Chairman, I join the chairman of the Committee on Financial Services in my respect for the proponent of this amendment. I certainly appreciate his efforts in attempting to make this title better, but I would point out a couple of things.

The first thing I would say, as the chairman of the Committee on Financial Services has said, this is a voluntary exemption. It is a temporary exemption. We heard in the committee this Congress and in previous Congresses that the XBRL format that has been required by the SEC since 2009 has not been reliable. A Columbia study that was done in 2012 indicated at that time that only 10 percent of investors actually used, found XBRL format useful in doing analysis of public companies.

It is for those reasons that we believe that this temporary, voluntary option for smaller companies not submitting to the SEC in this format makes sense.

I would submit to you that what this amendment does is it would require all companies that are currently submitting in this form to continue. What it would do is exempt future companies. Well, it strikes me like this. If this XBRL format and process is not ready for prime time, if it is not ready for prime time for future users, then we also ought to give relief for those who are currently having to do it and would like not to do it.

I believe that we should allow all emerging growth companies and smaller issuers to take advantage of this voluntary exemption while the SEC is getting this format ready for prime time.

This amendment goes to the very essence of the underlying measure and would not substantively provide any relief to the small companies who are currently being negatively impacted by this failed XBRL system.

I urge my colleagues to oppose this amendment and ask for the support of the underlying bill.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of the time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ISSA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 114–414.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, as the designee of the gentleman from Minnesota (Mr. ELLISON), the prime author of the amendment, of which I am a lead cosponsor, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title IV.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman.

Mrs. CAROLYN B. MALONEY of New York. Mr. Chairman, this amendment strikes title IV of H.R. 1675.

Title IV of this bill requires the Securities and Exchange Commission exempt public companies with less than $250 million in annual revenue from reporting their financial information as searchable data. This exemption would cut off access to searchable, easily accessible data for about 60 percent of all public companies.

Instead of using searchable, structured data, we would return to a paper-based system. Exempting 60 percent of public companies from filing their financials in a structured, understandable way makes it harder for the people who review corporate financial disclosure documents to understand what is going on in a company. Eliminating the requirement for searchable data

harms researchers and academics, regulators, investors, and the general public. All of them will have a harder time understanding the financial performance of corporations.

If title IV is passed, documents that are nonsearchable must be manually reviewed to extract useful information, and manual review is much more prone to error. No other financial regulator in the developed world does not require searchable PDFs. That is why the Securities and Exchange Commission began requiring reporting in eXtensible Business Reporting Language, XBRL. It is the global standard for structural financial reporting. We would be behind the world if we do this.

By removing the requirement for 60 percent of firms, H.R. 1965 is a backward step for corporate transparency and for investor knowledge and investors.

I support this amendment, and I believe that we need to move our financial analysis into the modern world.

□ 1600

We spend a great deal of time on the Financial Services Committee talking about ways to improve small companies' access to capital. Well, that is exactly what XBRL can do. So I am puzzled that some of my colleagues on the other side of the aisle would want to move backward on XBRL instead of moving forward.

XBRL makes it possible for investors and analysts to very quickly download standardized financial information for an entire industry and make immediate cross-company comparisons in order to identify the best performers. It makes it easier for them to invest in startups. This allows investors to spend more time analyzing data and less time gathering data.

This will also enable investors to more easily identify the companies that are diamonds in the rough, so to speak. Very often, these are small companies that are innovative. These are building models that we need to support.

Right now, these small companies have trouble attracting the attention of analysts and institutional investors—this is a fundamental fact, and we spend a lot of time on the Financial Services Committee trying to figure out why this is.

Well, one reason is it's simply too time-consuming for analysts and investors to pick through every small company's hundred-page financial filings. Economists call these costs "search costs"—and unfortunately, they still dramatically outweigh the benefits.

A small company's filings may tell a fantastic story about why that company is poised to be the next Apple, but if the "search costs" are high enough that analysts and investors never see them, that company will never get the capital infusion it needs to grow. And our economy will never realize the benefits that the company has to offer.

This is where XBRL comes in. It dramatically reduces the "search costs" by making it fast and cheap for investors to gather standardized financial statements for entire industries—including the small companies that the investor wouldn't have bothered with before.

If those small companies offer greater value than the bigger, more established companies in the industry, then it will likely be obvious to the investor when she looks at the data. This will result in capital flowing more efficiently—not just to the biggest, most well-known companies, but to the companies that can use that capital in the most efficient way.

But it's important to remember that if those small companies don't file their financial information in XBRL format, then their financial statements won't be part of the investor's data set—and thus will never get a much-needed capital infusion from that investor.

This is how XBRL can help improve small companies' access to capital.

So if you're concerned about access to capital, then you should vote for this amendment.

I urge my colleagues to support the amendment.

I yield the balance of my time to the gentleman from Minnesota (Mr. ELLISON), my distinguished colleague, who is now here.

Mr. ELLISON. Mr. Chairman, if you are a company that is going public, if you are a company that wants to sell shares to retail investors, you are not a small business. You are a big business. You are in the big leagues.

Along with the privileges comes some responsibility. If you are too small to report your data, then you are too small to be on the NASDAQ. If you can't run with the big dogs, you should stay on the porch.

True, they could choose to report in searchable, structured data, but that would result in a fractured system. Some report by searchable data, some by PDFs.

I want the people who review corporate financial disclosure documents to have the data that they need. They need to find corporate financial data faster, in more detail, and at lower cost. That is where eXtensible Business Reporting Language, or XBRL, comes in. XBRL is operating now.

When the exemption was brought before the previous Congress, two witnesses testified to costs of $50,000 or more to file in XBRL. But these two companies appear to be outliers.

The American Institute for Certified Public Accountants found that smaller firms pay, on average, $10,000 a year. Meanwhile, the group of companies that would be exempt under this bill paid more than $1 million in legal and financial banking fees in 2013 just to raise capital from investors. So the cost of XBRL is miniscule compared to the other costs of being a public company.

This amendment is meritorious, and I ask for its support.

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, every working American knows this economy stinks. There are no two ways about it.

We have got to jump-start our small businesses and our emerging growth companies. Entrepreneurship is at a generational low. Let's do something to actually help our small businesses raise capital. You can't have capitalism without capital.

The gentleman from Virginia, the author of title IV, provides a very simple optional exemption from the XBRL data filing requirement. It has nothing to do with the content of disclosure, Mr. Chairman. All it has to do with is the format—a format that is very expensive for a number of our emerging growth companies, some of whom testified that a lot of investors don't even use it.

So what we are essentially hearing from the author of the amendment and others is a rough translation that this is in the small business' best interest because they will need it to attract investors. Well, why don't we let them make that decision? This is almost the analog of ObamaCare: the American people were too stupid to know what kind of health care they needed.

If XBRL works for these small companies, they will use it. If it doesn't, then they will opt out of it. It is optional for emerging growth companies and smaller public companies. It is temporary. It is a huge burden on these companies at a time when we just had one of the worst quarters of economic growth we have seen in years and when the economy continues to lag at roughly half of its historic economic growth.

At some point, I would hope the other side of the aisle would end the war on small businesses and emerging growth companies. We need title IV.

I yield the balance of my time to the gentleman from Virginia (Mr. HURT), the author of title IV of H.R. 1675.

Mr. HURT of Virginia. Mr. Chairman, I rise in opposition to this amendment.

The first amendment that we heard about from the gentleman from California was certainly couched as a friendly amendment. This amendment, to be sure, is not a friendly amendment because what it does is strike title IV altogether. I certainly appreciate the comments made by the gentleman and the gentlewoman in support of the amendment, but I would suggest to you that this amendment is not a constructive approach.

There have been a lot of misstatements about what this title does, but the fact is this: If the SEC were ready to effectively implement XBRL, we wouldn't be having this conversation, but the SEC is not. Smaller and emerging growth companies are wasting valuable resources on a system that is not ready for prime time.

One of the things that was said earlier was that this exemption would affect 60 percent of the companies that are regulated. The truth of it is and the perspective that needs to be remembered is this:

Number one, among those 60 percent of companies, we are talking about only less than 7 percent of the market value of all public companies. So, in the grand scheme of things, we are

talking about companies that are small.

The second thing we know about them is they are our most dynamic job creators, period; and the purpose of this bill, the purpose of this title, is to support those that are actually creating jobs in an economy where we need jobs desperately.

The other point that I would make is to reiterate again what the chairman said, and that is that title IV is voluntary. It is optional. If it is good for the company, then the company can choose to continue to submit this information in that format. If a company doesn't believe that it is in its best interest and there is not value to it and to potential investors, then it is something they should not have to waste time on.

The second point is that it is completely temporary. It is a completely temporary exemption that will expire in 5 years.

I agree with where we want to go in terms of the technology, but asking these small companies who are our Nation's most dynamic job creators to waste their resources on a system that is not yet useful to them or to their investors is something that we should not stand for.

With that, I ask my colleagues to oppose this amendment.

Mrs. CAROLYN B. MALONEY of New York. I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 114–414 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. DESAULNIER of California.

Amendment No. 6 by Mr. ISSA of California.

Amendment No. 7 by Mrs. CAROLYN B. MALONEY of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DESAULNIER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DESAULNIER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 243, not voting 10, as follows:

[Roll No. 57]

AYES—180

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Butterfield
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pascrell
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—10

Beyer
Castro (TX)
Cramer
Deutch
Farr
Herrera Beutler
Rokita
Rush
Smith (WA)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1628

Mrs. MCMORRIS RODGERS, Mrs. COMSTOCK, Messrs. CRAWFORD, MEEHAN, BISHOP of Michigan, MCCLINTOCK, RODNEY DAVIS of Illinois, WEBSTER of Florida, BOUSTANY, KATKO, MARCHANT, and GROTHMAN changed their vote from ''aye'' to ''no.''

Mrs. BEATTY, Mses. BROWNLEY of California and PINGREE, Mrs. KIRKPATRICK, Messrs. LIPINSKI and LEWIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. ISSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 18, as follows:

[Roll No. 58]

AYES—194

Adams	Fudge	Moore
Aguilar	Gabbard	Moulton
Ashford	Gallego	Nadler
Bass	Garamendi	Napolitano
Beatty	Gosar	Neal
Becerra	Graham	Nolan
Bera	Green, Al	Norcross
Bishop (GA)	Green, Gene	O'Rourke
Bishop (UT)	Grijalva	Pallone
Blum	Hahn	Pascrell
Blumenauer	Hanna	Payne
Bonamici	Hastings	Pelosi
Boyle, Brendan F.	Heck (WA)	Peters
	Higgins	Peterson
Brady (PA)	Himes	Pingree
Brown (FL)	Hinojosa	Pitts
Brownley (CA)	Honda	Pocan
Burgess	Hoyer	Polis
Bustos	Huffman	Price (NC)
Butterfield	Israel	Quigley
Calvert	Issa	Rangel
Capps	Jackson Lee	Rice (NY)
Capuano	Jeffries	Richmond
Cárdenas	Johnson (GA)	Roybal-Allard
Carney	Johnson, E. B.	Ruiz
Carson (IN)	Jones	Ruppersberger
Cartwright	Katko	Russell
Castor (FL)	Keating	Ryan (OH)
Chu, Judy	Kelly (IL)	Sánchez, Linda T.
Cicilline	Kennedy	
Clark (MA)	Kildee	Sanchez, Loretta
Clarke (NY)	Kilmer	Sanford
Clay	Kind	Sarbanes
Cleaver	Kirkpatrick	Schakowsky
Clyburn	Kuster	Schiff
Cohen	Langevin	Schrader
Connolly	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Scott, David
Cooper	Lawrence	Serrano
Costa	Lee	Sewell (AL)
Courtney	Levin	Sherman
Crowley	Lewis	Sires
Cummings	Lieu, Ted	Slaughter
Davis (CA)	Lipinski	Speier
Davis, Danny	LoBiondo	Swalwell (CA)
DeFazio	Loebsack	Takai
DeGette	Lofgren	Takano
DeLauro	Loudermilk	Thompson (CA)
DelBene	Lowenthal	Thompson (MS)
DeSaulnier	Lowey	Titus
Dingell	Lujan Grisham (NM)	Tonko
Doggett		Torres
Doyle, Michael F.	Luján, Ben Ray (NM)	Tsongas
		Van Hollen
Duckworth	Lynch	Veasey
Duncan (SC)	Maloney, Carolyn	Vela
Duncan (TN)		Velázquez
Edwards	Maloney, Sean	Visclosky
Ellison	Matsui	Walz
Eshoo	McCollum	Wasserman Schultz
Esty	McDermott	
Farr	McGovern	Waters, Maxine
Fattah	McHenry	Watson Coleman
Fleischmann	McNerney	Webster (FL)
Foster	Meeks	Welch
Frankel (FL)	Meng	Wilson (FL)
Franks (AZ)	Messer	Yarmuth

NOES—221

Abraham	Guinta	Perlmutter
Aderholt	Guthrie	Perry
Allen	Gutiérrez	Pittenger
Amash	Hardy	Poe (TX)
Amodei	Harper	Poliquin
Babin	Harris	Pompeo
Barletta	Hartzler	Posey
Barr	Heck (NV)	Price, Tom
Barton	Hensarling	Ratcliffe
Benishek	Hice, Jody B.	Reed
Bilirakis	Hill	Reichert
Bishop (MI)	Holding	Renacci
Black	Hudson	Ribble
Blackburn	Huelskamp	Rice (SC)
Bost	Huizenga (MI)	Rigell
Boustany	Hultgren	Roby
Brady (TX)	Hunter	Roe (TN)
Brat	Hurd (TX)	Rogers (AL)
Bridenstine	Hurt (VA)	Rohrabacher
Brooks (AL)	Jenkins (KS)	Rokita
Brooks (IN)	Jenkins (WV)	Rooney (FL)
Buchanan	Johnson (OH)	Ros-Lehtinen
Buck	Johnson, Sam	Roskam
Bucshon	Jolly	Ross
Byrne	Jordan	Rothfus
Carter (GA)	Joyce	Rouzer
Carter (TX)	Kaptur	Royce
Chabot	Kelly (MS)	Scalise
Chaffetz	Kelly (PA)	Schweikert
Clawson (FL)	King (NY)	Scott, Austin
Coffman	Kinzinger (IL)	Sensenbrenner
Collins (GA)	Kline	Sessions
Collins (NY)	Knight	Shimkus
Comstock	Labrador	Shuster
Conaway	LaHood	Simpson
Cook	Lamborn	Sinema
Costello (PA)	Lance	Smith (MO)
Crawford	Latta	Smith (NJ)
Crenshaw	Long	Smith (TX)
Culberson	Love	Stefanik
Curbelo (FL)	Lucas	Stewart
Davis, Rodney	Luetkemeyer	Stivers
Delaney	Lummis	Stutzman
Denham	MacArthur	Thompson (PA)
Dent	Marchant	Thornberry
DeSantis	Marino	Tiberi
DesJarlais	Massie	Tipton
Diaz-Balart	McCarthy	Trott
Dold	McCaul	Turner
Donovan	McClintock	Upton
Duffy	McKinley	Valadao
Ellmers (NC)	McMorris Rodgers	Vargas
Emmer (MN)		Wagner
Engel	McSally	Walberg
Farenthold	Meadows	Walden
Fincher	Meehan	Walker
Fitzpatrick	Mica	Walorski
Fleming	Miller (FL)	Walters, Mimi
Flores	Miller (MI)	Weber (TX)
Forbes	Moolenaar	Wenstrup
Fortenberry	Mooney (WV)	Westerman
Foxx	Mullin	Whitfield
Frelinghuysen	Mulvaney	Williams
Garrett	Murphy (FL)	Wilson (SC)
Gibbs	Murphy (PA)	Wittman
Gibson	Neugebauer	Womack
Gohmert	Newhouse	Woodall
Gowdy	Noem	Yoder
Granger	Nugent	Yoho
Graves (GA)	Nunes	Young (AK)
Graves (LA)	Olson	Young (IA)
Graves (MO)	Palazzo	Young (IN)
Griffith	Paulsen	Zeldin
Grothman	Pearce	Zinke

NOT VOTING—18

Beyer	Goodlatte	Rogers (KY)
Castro (TX)	Grayson	Rush
Cole	Herrera Beutler	Salmon
Cramer	King (IA)	Smith (NE)
Cuellar	LaMalfa	Smith (WA)
Deutch	Palmer	Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1632

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CUELLAR. Mr. Chair, on Wednesday, February 3, 2016, I am not recorded on rollcall vote No. 58, Issa of California Part A Amendment No. 6. Had I voted, I would have voted ''aye.''

AMENDMENT NO. 7 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 248, not voting 12, as follows:

[Roll No. 59]

AYES—173

Adams	Garamendi	Nadler
Aguilar	Grayson	Napolitano
Bass	Green, Al	Neal
Beatty	Green, Gene	Nolan
Becerra	Grijalva	Norcross
Bera	Gutiérrez	O'Rourke
Bishop (GA)	Hahn	Pallone
Blumenauer	Hastings	Pascrell
Bonamici	Heck (WA)	Payne
Boyle, Brendan F.	Higgins	Pelosi
	Hinojosa	Peters
Brady (PA)	Honda	Pingree
Brown (FL)	Hoyer	Pocan
Brownley (CA)	Huffman	Polis
Bustos	Israel	Price (NC)
Butterfield	Jackson Lee	Quigley
Capps	Jeffries	Rangel
Capuano	Johnson (GA)	Rice (NY)
Cárdenas	Johnson, E. B.	Richmond
Carson (IN)	Jones	Roybal-Allard
Cartwright	Kaptur	Ruiz
Castor (FL)	Katko	Ruppersberger
Chu, Judy	Keating	Ryan (OH)
Cicilline	Kelly (IL)	Sánchez, Linda T.
Clark (MA)	Kennedy	
Clarke (NY)	Kildee	Sanchez, Loretta
Clay	Kilmer	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Kirkpatrick	Schiff
Cohen	Kuster	Schrader
Connolly	Langevin	Scott (VA)
Conyers	Larsen (WA)	Scott, David
Courtney	Larson (CT)	Serrano
Crowley	Lawrence	Sewell (AL)
Cuellar	Lee	Sherman
Cummings	Levin	Sires
Davis (CA)	Lewis	Slaughter
Davis, Danny	Lieu, Ted	Speier
DeFazio	Lipinski	Swalwell (CA)
DeGette	Loebsack	Takai
DeLauro	Lofgren	Takano
DelBene	Lowenthal	Thompson (CA)
DeSaulnier	Lowey	Thompson (MS)
Dingell	Lujan Grisham (NM)	Titus
Doggett		Tonko
Doyle, Michael F.	Luján, Ben Ray (NM)	Torres
		Tsongas
Duckworth	Lynch	Van Hollen
Edwards	Maloney, Carolyn	Veasey
Ellison		Vela
Engel	Maloney, Sean	Velázquez
Eshoo	Matsui	Visclosky
Esty	McCollum	Walz
Farr	McDermott	Wasserman Schultz
Fattah	McGovern	
Foster	McNerney	Waters, Maxine
Frankel (FL)	Meeks	Watson Coleman
Fudge	Meng	Welch
Gabbard	Moore	Wilson (FL)
Gallego	Moulton	Yarmuth

NOES—248

Abraham	Granger	Paulsen
Aderholt	Graves (GA)	Pearce
Allen	Graves (LA)	Perlmutter
Amash	Graves (MO)	Perry
Amodei	Griffith	Peterson
Ashford	Grothman	Pittenger
Babin	Guinta	Pitts
Barletta	Guthrie	Poe (TX)
Barr	Hanna	Poliquin
Barton	Hardy	Pompeo
Benishek	Harper	Posey
Bilirakis	Harris	Price, Tom
Bishop (MI)	Hartzler	Ratcliffe
Bishop (UT)	Heck (NV)	Reed
Black	Hensarling	Reichert
Blackburn	Hice, Jody B.	Renacci
Blum	Hill	Ribble
Bost	Holding	Rice (SC)
Boustany	Hudson	Rigell
Brady (TX)	Huelskamp	Roby
Brat	Huizenga (MI)	Roe (TN)
Bridenstine	Hultgren	Rogers (AL)
Brooks (AL)	Hunter	Rogers (KY)
Brooks (IN)	Hurd (TX)	Rohrabacher
Buchanan	Hurt (VA)	Rokita
Buck	Issa	Rooney (FL)
Bucshon	Jenkins (KS)	Ros-Lehtinen
Burgess	Jenkins (WV)	Roskam
Byrne	Johnson (OH)	Ross
Calvert	Johnson, Sam	Rothfus
Carney	Jolly	Rouzer
Carter (GA)	Jordan	Royce
Carter (TX)	Joyce	Russell
Chabot	Kelly (MS)	Salmon
Chaffetz	Kelly (PA)	Sanford
Clawson (FL)	King (NY)	Scalise
Coffman	Kinzinger (IL)	Schweikert
Cole	Kline	Scott, Austin
Collins (GA)	Knight	Sensenbrenner
Collins (NY)	Labrador	Sessions
Comstock	LaHood	Shimkus
Conaway	LaMalfa	Shuster
Cook	Lamborn	Simpson
Cooper	Lance	Sinema
Costa	Latta	Smith (MO)
Costello (PA)	LoBiondo	Smith (NE)
Cramer	Long	Smith (NJ)
Crawford	Loudermilk	Smith (TX)
Crenshaw	Love	Stefanik
Culberson	Lucas	Stewart
Curbelo (FL)	Luetkemeyer	Stutzman
Davis, Rodney	Lummis	Thompson (PA)
Delaney	MacArthur	Thornberry
Denham	Marchant	Tiberi
Dent	Marino	Tipton
DeSantis	Massie	Trott
DesJarlais	McCarthy	Turner
Diaz-Balart	McCaul	Upton
Dold	McClintock	Valadao
Donovan	McHenry	Vargas
Duffy	McKinley	Wagner
Duncan (SC)	McMorris Rodgers	Walberg
Duncan (TN)	McSally	Walden
Ellmers (NC)	Meadows	Walker
Emmer (MN)	Meehan	Walorski
Farenthold	Messer	Walters, Mimi
Fincher	Mica	Weber (TX)
Fitzpatrick	Miller (FL)	Webster (FL)
Fleischmann	Miller (MI)	Wenstrup
Fleming	Moolenaar	Westerman
Flores	Mooney (WV)	Whitfield
Forbes	Mullin	Williams
Fortenberry	Mulvaney	Wilson (SC)
Foxx	Murphy (FL)	Wittman
Franks (AZ)	Murphy (PA)	Womack
Frelinghuysen	Neugebauer	Woodall
Garrett	Newhouse	Yoder
Gibbs	Noem	Yoho
Gibson	Nugent	Young (AK)
Gohmert	Nunes	Young (IA)
Gosar	Olson	Young (IN)
Gowdy	Palazzo	Zeldin
Graham		Zinke

NOT VOTING—12

Beyer	Herrera Beutler	Rush
Castro (TX)	Himes	Smith (WA)
Deutch	King (IA)	Stivers
Goodlatte	Palmer	Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1635

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YOUNG of Iowa) having assumed the chair, Mr. BYRNE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1675) to direct the Securities and Exchange Commission to revise its rules so as to increase the threshold amount for requiring issuers to provide certain disclosures relating to compensatory benefit plans, and, pursuant to House Resolution 595, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. FRANKEL of Florida. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. FRANKEL of Florida. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Frankel of Florida moves to recommit the bill H.R. 1675 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Insert after section 1 the following:

SEC. 2. PROHIBITION ON BAD ACTORS AND PROTECTION OF AMERICAN RETIREES.

(a) PROHIBITION.—A bad actor may not make use of any exemption, safe harbor, or other authority provided by this Act or an amendment made by this Act or a regulation issued pursuant to this Act or an amendment made by this Act.

(b) RULEMAKING.—The Securities and Exchange Commission shall issue such regulations as may be necessary to carry out subsection (a).

(c) BAD ACTOR DEFINED.—For purposes of this section, the term ''bad actor'' means any person that has been convicted of a felony or a misdemeanor involving securities, including those securities used for investing in retirement.

Page 19, after line 22, insert the following:

(b) PROTECTION OF AMERICAN SENIORS.—The Commission may not amend or repeal any regulation pursuant to subsection (a) if such amendment or repeal would weaken the protections provided for American seniors.

Ms. FRANKEL of Florida (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. FRANKEL of Florida. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, in a bipartisan spirit, I offer a motion to recommit in order to make needed improvements to the current proposal.

Let me start with the story of Charles Bacino, as noted in ''The Street,'' a financial news service.

Charles grew up in Pueblo, Colorado. He was an accomplished musician. He taught music for over 30 years and brought joy to audiences across our country, from Disney World in Orlando to the Venetian in Las Vegas. He even performed alongside the famed tenor, Luciano Pavarotti. But most importantly, Charles was the loving father of three children and seven grandchildren.

At age 73, as Charles lay dying of pancreatic cancer in a hospital bed in Las Vegas, he called his financial affairs manager to his bedside to discuss his investments and put his final affairs in order. As a morphine drip was working to ease his pain, Charles' financial adviser persuaded him to invest $82,000 in a cocoa and banana plantation in Ecuador. Charles gave the adviser the keys to his house to get his checkbook, and in a matter of moments, his money was gone.

Financial fraud against our seniors cuts deep. Sadly, there are many more out there like Charles. One in five Americans over age 65 have been victimized by financial fraud. This equates to seniors losing nearly $13 billion a year due to financial fraud.

I am sad to report to you that close to 1 million seniors are currently forgoing meals as a result of economic hardship due to financial abuse, and this problem may get worse as older Americans live longer.

Here is the thing: the bill that my colleagues on the other side of the aisle bring to us today shields abusers like Charles' so-called financial adviser and strips Congress of the power to protect our grandmothers and grandfathers from con artists who swindle them.

Mr. Speaker, my motion to recommit would preserve decades of SEC consumer protections designed to help folks just like Charles. It would ensure that those criminals who prey on seniors will be held accountable.

My amendment adds something to this legislation that every person in

this Chamber—Democratic and Republican—should want to do and get behind: stronger protections for the people who held us in their arms when we were young and that sheltered us and shared their wisdom with us as we grew. As they protected us, we must protect them.

Mr. Speaker, I urge my colleagues to vote ''yes.''

Mr. Speaker, I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, that was a heartbreaking story, and I have no doubt that it is true. But I would urge the gentlewoman to perhaps actually read the bill. Unlike ObamaCare and unlike Dodd-Frank, perhaps if the gentlewoman actually read the bill, which is 20 pages, not 2,000 pages, she would understand that H.R. 1675 has nothing to do with her story.

□ 1645

Fraud is illegal. I repeat: Fraud is illegal. If one is convicted of a felony under the Securities and Exchange Act of 1934, there is a statutory prohibition from doing what she has described.

Mr. Speaker, at best, this is a duplicative amendment, it is a superfluous amendment, and it takes away from the fact that under 8 years of Obamanomics this economy is not working for working people. It is time to help our small businesses, it is time to help our growth companies, it is time to put America back to work, and it is time to reject the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. FRANKEL of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 241, not voting 8, as follows:

[Roll No. 60]

AYES—184

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—241

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Conyers
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—8

Beyer
Castro (TX)
Deutch
Goodlatte
Herrera Beutler
Rush
Smith (WA)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1653

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 159, not voting 9, as follows:

[Roll No. 61]

YEAS—265

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Cárdenas
Carney
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold

Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruppersberger
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—159

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Pingree
Pocan
Price (NC)
Rangel
Richmond
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Beyer
Castro (TX)
Conyers
Deutch
Goodlatte
Herrera Beutler
Rush
Smith (WA)
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1659

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SMITH of Nebraska. Mr. Chair, on rollcall No. 58, I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded on rollcall No. 57 on the DeSaulnier Amendment for consideration of H.R. 1675, Encouraging Employee Ownership Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "aye."

Mr. Speaker, my vote was not recorded on rollcall No. 58 on the Issa/Polis Amendment for consideration of H.R. 1675—Encouraging Employee Ownership Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "aye."

Mr. Speaker, my vote was not recorded on rollcall No. 59 on the Maloney/Ellison/Quigley/Polis Amendment for consideration of H.R. 1675, Encouraging Employee Ownership Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "aye."

Mr. Speaker, my vote was not recorded on rollcall No. 60 on the Motion to recommit for consideration of H.R. 1675—Encouraging Employee Ownership Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "aye."

Mr. Speaker, my vote was not recorded on rollcall No. 61 on the final passage of H.R. 1675, Encouraging Employee Ownership Act of 2015. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "nay."

ESTABLISHING JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 28) to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2017, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee'') consisting of 3 Senators and 3 Members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2017.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF ROTUNDA AND EMANCIPATION HALL BY JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 29) to authorize the use of the Rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA AND EMANCIPATION HALL OF THE CAPITOL.

The rotunda and Emancipation Hall of the United States Capitol are authorized to be used on January 20, 2017, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE FOOT SOLDIERS WHO PARTICIPATED IN THE 1965 SELMA TO MONTGOMERY MARCHES

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 109, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 109

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO THE FOOT SOLDIERS WHO PARTICIPATED IN THE 1965 SELMA TO MONTGOMERY MARCHES.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 24, 2016, for a ceremony to present the Congressional Gold Medal to the foot soldiers who participated in the 1965 Selma to Montgomery marches, in recognition of their heroic bravery and sacrifice, which served as a catalyst for the Voting Rights Act of 1965. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE SITUATION IN OR IN RELATION TO COTE D'IVOIRE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114–97)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2016.

The Government of Côte d'Ivoire and its people continue to make significant progress in promotion of democratic, social, and economic development. We congratulate Côte d'Ivoire on holding a peaceful and credible presidential election, which represents an important milestone on the country's road to full recovery. The United States also supports the advancement of national reconciliation and impartial justice in Côte d'Ivoire. The United States is committed to helping Côte d'Ivoire strengthen its democracy and stay on the path of peaceful democratic transition, and we look forward to working with the Government and people of Côte d'Ivoire to ensure continued progress and lasting peace for all Ivoirians.

While the Government of Côte d'Ivoire and its people continue to make progress towards consolidating democratic gains and peace and prosperity, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, *February 3, 2016.*

SUCCESS OF SOUTH HILLS SCHOOL OF BUSINESS & TECHNOLOGY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, as co-chairman of the bipartisan Career and Technical Education Caucus, I want to recognize the accomplishments of the South Hills School of Business & Technology, which has campuses based in Pennsylvania's Fifth Congressional District.

I was recently notified by school officials that they have placed 86 percent of their 2014 graduates in jobs within their fields of study. Now, that statistic is 10 percent higher than the average occupational placement rate for associate degree graduates. Additionally, the school achieved a job placement rate of close to 100 percent for graduates of their criminal justice, business office specialist, and administrative medical assistant programs.

This stands as further evidence that careers in our career and technical education fields are in demand. It also serves as a reminder for high school students across the Nation that a technical education is a great option for their futures.

Madam Speaker, the South Hills School of Business & Technology is just one example of how these institutions create job-ready employees for 21st century careers.

HONORING KENTUCKY SENATOR GEORGIA POWERS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, I rise to celebrate the life and service of Georgia Davis Powers, former State senator and civil rights icon from my hometown of Louisville, Kentucky.

Senator Powers, who passed away early Saturday morning, leaves behind a city and commonwealth that are fairer and offer more opportunity because of her lifelong dedication to the fight for justice.

Generations of Kentuckians have benefited from the sacrifices she made on the front lines of protests and from the trails she blazed as both the first woman and first African American to be elected to the Kentucky Senate. As we strive to build on the difficult work of creating a more equal and just society, I know that her inspiration will continue to lift us and show us the way.

Louisville has lost a great champion, but her legacy will live on, in our community and beyond, forever. I am honored to have called Senator Powers a friend and that she called Kentucky ''home.''

HONORING GARY FULKS

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Madam Speaker, I rise to honor and thank Mr. Gary Fulks for his work and service to Missouri's Fourth District. Gary is retiring as the general manager of Sho-Me

Power Electric Cooperative after 42 years of providing energy to communities from San Diego to south central Missouri.

Mr. Fulks has been an outspoken leader for reliable and affordable sources of energy for the people of the Fourth District. Serving on the NRECA Transmission Task Force, the Southwest Power Pool Engineering & Operations Committee, the Executive Committee of the Southeastern Electric Reliability Council, and several other councils and committees, Mr. Fulks has been pivotal in enacting programs that are cost-effective and innovative, which have greatly benefited members and co-op employees.

Under Mr. Fulks' leadership, Sho-Me Power has continued the legacy of progressively meeting the growing needs of Missourians and in providing wholesale power to nine distribution cooperatives. Increasing his impact on the region, he has helped start and operate Sho-Me Technologies, which makes available an extensive network of fiber-optic communications to members, many of whom are without other forms of Internet access.

Thank you, once again, Gary, for your devotion and work for the benefit of the Fourth District. You are an example of the leadership that this Nation needs. I anticipate hearing of your new chapter in life and know it will benefit not only Missouri, but our Nation.

EXECUTIVE WAIVES NEW VISA WAIVER RESTRICTIONS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, the Constitution is clear: Congress shall make the law, the judiciary interprets the law, and the executive enforces the law.

The President, however, seems to think he can make and interpret the law.

Last year, Congress passed the Visa Waiver Improvement and Terrorist Travel Prevention Act. It requires foreign nationals from certain countries to obtain a visa before they come to the United States. Now the administration has decided to waive this new requirement. The President plans to allow dual citizens and people who have traveled to places like Syria, the Sudan, Iraq, and Iran to waltz back into the United States without a visa.

The Department of Homeland Security estimates that 5,000 Westerners have made the journey to Iraq and Syria to fight with militant groups like ISIS. Allowing this new executive edict will only weaken U.S. national security.

The Founders implemented the separation of powers to protect the people from an all-powerful—omnipotent—government. The administration's executive overreach violates the Constitution and puts Americans and our security at risk.

And that is just the way it is.

CONGRESSIONAL PROGRESSIVE CAUCUS: THE FLINT, MICHIGAN, WATER CRISIS

The SPEAKER pro tempore (Mrs. MIMI WALTERS of California). Under the Speaker's announced policy of January 6, 2015, the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mrs. WATSON COLEMAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. WATSON COLEMAN. Madam Speaker, the city of Flint, Michigan, has been hit by a crisis of massive proportion. Its impact on the long-term health and future success of its residents remains unclear.

The fact I find most disturbing is that it is a completely manmade crisis. It grew out of the same kind of stubborn faith in austerity measures that has handicapped our ability to govern for years. It grew out of a failure to protect the Flint River from environmental damage. It grew out of both a failure to invest in Flint's crumbling infrastructure and in the willful disregard for the people of that city, a city in which more than 40 percent of the residents live below the poverty line and in which the majority of families are African American.

My colleagues and I are here on the floor this evening to urge every Member of this body to understand one thing: If we fail to acknowledge the issues that led to the Flint water crisis, we will see similar and equally devastating events in more and more cities across the country.

We need to recognize that tunnel vision for deficit reduction creates more problems than it solves. The emergency manager appointed by Governor Snyder instituted a plan to run Flint like a business in order to bring it back from the brink of death. In the process, he sought out the least expensive options for basic needs, like water. In doing so, he decided to pull from the corrosive and contaminated Flint River without ensuring the treatment protocol necessary to ensure the water was clean. We now know that, although the Flint River is in poor shape, a little additional spending could have prevented this crisis. Instead, Flint went the bare bones route, leaving a generation of residents to suffer the permanent consequences.

Madam Speaker, Congress has, once more, been so focused on reducing the deficit that we have lost sight of our responsibility to govern. Only a few months ago did we finally abandon the absurd policy of sequestration, which has hampered the functioning of countless programs over the past several years. The benefits of austerity and small government are questionable at best. Flint has proven that, and we would all be wise to remember it.

Unfortunately, that is not the only lesson that we can take away from this crisis. This Congress has made undermining environmental and energy regulations one of its core missions. In the first 100 days of the 114th Congress, it voted on more environmental and energy issues than on any other topic, and not a single one was aimed at protecting resources, like the Flint River, from the kind of contamination that allowed its water to corrode lead pipes.

□ 1715

If reducing the deficit has been the first priority for my colleagues on the other side of the aisle, allowing corporations and big businesses to take whatever liberties with our environment they choose has to be a close second.

Under the majority of this House, our babies would choke on smog before we limit the amount of pollution a single smokestack can spew out. Our streams and rivers would poison even the fish swimming in them before we would set restrictions on where these companies can dump their chemical byproducts. Our forests and farmlands would turn barren before we would question the long-term impact of fracking.

It took years to turn the Flint River into the downright dangerous water source that has caused so many problems. But for other rivers, lakes, or streams, there may still be time to repair or prevent the damage that we have done. Flint should move us to strengthen, not weaken, our environmental protections.

Madam Speaker, there is one more lesson to learn here, and it is perhaps the most important. The infrastructure in Flint, like in so many other cities, is outdated, and no one at the local, State or Federal level seems willing or capable of making the necessary investments.

Today in our Oversight and Government Reform Committee hearing, one of the topics of concern was that, even if individual homes had replaced their old lead pipes, the city's pipes would still have caused a major problem. Madam Speaker, that is a matter of infrastructure at the most basic level.

In my home State of New Jersey, we spent more than a decade leading the way in the battle against lead poisoning. But with the onset of Governor Christie's administration, all these advances have also come to an abrupt halt there.

There are now 11 cities with levels of lead higher than what has been reported in Flint right in my State of New Jersey. This contamination from lead comes from paint instead of water.

Nonetheless, it is a reflection of the reduction and diminution of services and resources to make our environment safe for our communities. Two of these cities are right in my district.

Still, Governor Christie's administration has ignored the problem and thoroughly failed our children by choosing not to fund our State's lead abatement fund.

Here at the Federal level we can take this even further. Our failure to invest in transportation and energy infrastructure is building up to a crisis of a different kind, a time when our roads, our bridges, and our power grids begin to fail.

Madam Speaker, there are so many lessons we need to learn from Flint. I have a number of colleagues who are here with me this evening who have raised their voices in support of the people of Flint and who I know agree with me that this must be a watershed moment.

We need to change course to prevent this from happening again and ensure the future of our Nation.

Before I turn this over, I want to take a moment to add that there are a number of organizations, coalitions, and other associations that consistently are dedicated to protecting our natural resources. They defend the Clean Water Act, and they fight for the Clean Air Act. I hope to see more of them fighting for Flint in the near future.

Madam Speaker, I yield to the gentleman from Michigan (Mr. KILDEE), who not only represents the district in which there is Flint, but he is a resident born and raised in the city of Flint, Michigan.

Mr. KILDEE. Madam Speaker, I thank my colleague for conducting this Special Order and raising attention to this situation. Particularly on behalf of the people that I represent, the 100,000 people in my hometown of Flint, as difficult as this time has been, they do get some strength from the fact that Members of Congress from all across the country and, frankly, Members of Congress from both sides of the aisle have expressed their concern.

It is my sincere hope that the concern expressed for the people of Flint will not just come in the form of sympathy, but will actually move us to take action.

Let me just take a moment to tell you about my hometown. This is a city that was the birthplace of General Motors in 1908. This is a city that actually helped build the labor movement.

In 1936 and 1937, the workers in the factories occupied those factories until, on February 11, they got that first UAW contract that actually helped build the middle class.

The reason I mention that is that it is a city that has great pride in the contribution that it has made over the decades to the incredible productive capacity of our society.

With that pride as a backdrop, the last few decades have been really tough because we have seen the loss of manufacturing jobs. We have seen big changes in our economy. The community has become smaller. It has gone from 200,000 people to about 100,000 now.

We have lost an enormous amount of the manufacturing base that we once had, and it was really the engine of our economy. Of course, the effect of all that is to challenge the community and its very existence.

The city itself has struggled to keep its budgets balanced to provide essential services. Then a few years ago a decision was made at the State level to reduce and, in fact, eliminate State support for cities.

That kind of support was necessary for the city to provide the essential role that it plays in a regional economy. As a result of that decision, the city was in significant financial stress, really on the verge of bankruptcy.

The State of Michigan's solution, rather than provide support—additional funding, economic development, workforce development, better schools—that is not the solution. Those are the things that would make a difference.

Instead, the State of Michigan appoints an emergency manager that suspends the authority of the city council and the mayor, as if this city that is struggling as a result of disinvestment only needs new management.

Worse yet, the charge to these emergency managers—and we have them in Michigan and lots of different communities and school districts—is to get in there and get the budget balanced. The tool they have is a budget scalpel. There are no additional resources, just a knife to cut the budget.

In the case of Flint, one of the places they chose to cut was the essential service of drinking water, temporarily shifting, as a result of an emergency manager's decision, to the Flint River.

Now, folks don't need to be mad at the river. It is just the river. Actually, it is quite beautiful now since it is no longer used as an open sewer. Some of it has been restored, but it is still river water. It is 19 times more corrosive than the Great Lakes water that we have drawn from decades as our water source.

In a rush to save money, the decision was made to use this river. In an almost inexplicable decision to save a few hundred dollars—really, I think it is estimated at about $100 a day—they didn't treat the water with orthophosphate to control corrosion of the pipes.

That is what led to the pipes leaching lead into the water system, into the households, into the bodies of human beings, and into 9,000 children under the age of 6 who are the real victims of this.

It is not good for adults. There is no acceptable level of lead in the human body. It is a neurotoxin. But for children it is especially dangerous because it affects brain development in a way that is permanent.

So what we need now, since this was done to Flint by the failure of the emergency manager to think about something other than dollars and cents, and the failure of the State, despite repeated warnings, including warnings from the EPA, that they should be applying corrosion control and that this is going to have consequences, they treated it like it was a public relations problem for them, not a public health problem for 100,000 people. So the damage has been done.

We have two questions to ask ourselves. One is: How do we make sure this never happens again? Getting rid of the emergency manager law would be a big step in the right direction, making sure that not only do we have adequate regulations regarding clean water, but the agencies charged with them have adequate authority and resources to enforce. That would go a long way to prevent this from happening again.

Legislation that myself and my colleagues from Michigan are introducing would ensure that, when the EPA is aware of a problem like this, they would have to make it public. That would go a long way.

The other question is: How do we make it right for the people in Flint, especially for the children? The State did this. It was their decision. Virtually everybody back home has no doubt about that question.

There is an effort right now to try to obfuscate responsibility. That is really because, in my view—and this is only my opinion—by accepting responsibility for what happened means that there is the responsibility to make it right. I just fear that the State of Michigan is trying to avoid that kind of responsibility.

To make it right, we need to spend some money on infrastructure, take up those lead service lines that have been so damaged by this corrosive water and replace them with something that will not deliver lead into the water system and to improve the infrastructure so that it is more sustainable.

Most importantly and finally, to make it right in Flint, we have to make sure the kids, who are the real victims of this, are given every opportunity that we can give them to overcome something that their government did to them.

That means giving them opportunities like every child having access to Early Head Start, every child being enrolled in Head Start, every child having enrichment opportunities, every child being given all the help they can, all the support they can, for proper nutrition, every child having a small class size so that teacher-student contact is real and not packed in a classroom of 35 or 40 kids, summer youth activity, summer employment.

All of the things that we would do as parents for one of our own children struggling to overcome a developmental hurdle is what the State of Michigan owes to the 9,000 children of

Flint under the age of 6 that have been subjected to high levels of lead. That is the moral obligation of the State of Michigan.

I just hope—and I know my colleagues stand with me—that, if the State is unwilling to step up and do the right thing, we recognize that these children, these citizens, the people I represent, just like the people we all represent, are not just residents of a State, but they are citizens of the United States, just like when a storm hits, when we have a chance and the capacity to do something to ease that suffering, to provide opportunity to overcome a manmade disaster, that we are willing to stand up and do that.

I can't tell you how much I thank my colleagues for taking some time this week—particularly my colleagues from Michigan, but the folks from all over the country, have been helpful. This is a real crisis, and it deserves a response equal to the gravity of the crisis.

On behalf of the people I represent, thank you so much.

Mrs. WATSON COLEMAN. Madam Speaker, we are particularly grateful for both Representative KILDEE and Representative LAWRENCE for having elevated this discussion to the point that we are giving it serious consideration.

I yield to the gentlewoman from Michigan (Mrs. LAWRENCE), a cosponsor of this Special Order hour.

Mrs. LAWRENCE. Madam Speaker, I stand before you today a true Michigan girl, born and raised in the city of Detroit, having traveled and been in public service for over 25 years in multiple capacities.

Today I had the opportunity, after calling for a hearing to Chairman CHAFFETZ, to call a hearing about this Flint water situation.

I want to tell you, being in Congress and knowing that there are two aisles, two philosophies, two groups—the Republicans and the Democrats—that I was so impressed that the chairman responded and granted my request for a hearing.

He understood how important and how volatile the situation is. We struggled a little bit with who would be able to be witnesses, but we had the hearing.

I wanted to tell you that this is something that is not a partisan issue. The message I want to get out today is that this issue where children and families are affected because of the lack of government doing their job is unacceptable. It is unacceptable in these United States of America.

□ 1730

I can tell you, Americans ask for three basic things whoever you are, wherever you live, and that is that we have safe food to consume, clean air to breathe, and clean water to drink because we need all those things to merely live.

We trust our government to protect those things and to ensure that our consumption will not harm us. Clearly, we failed. We failed as a government. This isn't about wearing your R or D. This is about the government of these United States restoring the trust.

I want you to imagine a mother holding her child and, doing what a mother does with an infant, is feeding that child. She may mix formula and use water to mix the formula. Then she gives the baby the bottle. She holds that baby, and that is just such a special bonding moment. Or she may breastfeed. When you are breastfeeding, they tell you to drink a lot of water.

In each of those scenarios, she was poisoning her child, poisoning her child for over 7 months before someone stood up and said: Stop using the water. There are mothers all over this country who are holding their babies closer and praying, I hope this never happens to me.

I feel it is the role of government, Democrats and Republicans, coming together to say never again in these United States of America. We need to find out why this happened, when it happened, and when you knew about it, what did you do about it at all levels of government—Federal and State—and there is enough blame to go around.

It doesn't do those families in Flint any good if we just point fingers. We have to find out and have a full investigation so that we can find out what we need to fix, so that we can stand before the citizens of this great country and say: As your government, we are starting to rebuild the trust, and we are going to fix this.

I want to be on the record that I feel those who made the decisions, from the emergency manager and the Governor, and those who were in a position to make decisions should be providing statements and should be a witness to tell us what happened, why it happened, when did they know, what responsibility lies where.

We have already identified so many areas that legislation will be coming forward. I hope they will be bipartisan. First of all, we need legislation to find out when we find lead in water on a State level, who has the primary role of protecting the water in that State? Where is the power of EPA? We must make it very clear, the notification of the public once lead is identified in water.

We are hearing statements that are all over about why that didn't happen. What we need to do is legislate that so it doesn't happen again, make it very clear and enforce it. We need to increase the enforcement and testing of our water so that we will not have excuses in the future.

The last thing I want to say is: This is an election year, and as those of us who serve in Congress go around and ask people to trust us, to give us their vote, we should also be able to say, in these United States of America we have a history where we didn't always get it right in America. In America our history will teach us, there are times where one side or the other didn't quite get it right, but our democracy and the voice of the people rose to a level that demanded action happen.

Today, with this hearing and with us having this opportunity to put this on the record, we are demanding that action be taken, that our government stand up and do what it is supposed to do. We need to fund the correctional actions that we need to do for the children who have been affected. We need to ensure that we are going to fix the pipes, and this is a bigger discussion, and that is infrastructure.

This Congress cannot continue to kick the can down the road when it comes to infrastructure. This issue is about, yes, we did not treat the water, but these lead pipes in older communities are an issue across this country. We are going to have to stand up as a government, address it, fund it, and get about the work of fixing our infrastructure.

Mrs. WATSON COLEMAN. I would like to thank the Congresswoman. Another very strong and strident voice on behalf of all the citizens in the State of Michigan, and particularly with regard to the issue confronting our victims, the citizens as well as the city officials in Flint, Michigan, is our Congresswoman DINGELL from Michigan.

Mrs. DINGELL. Madam Speaker, I want to thank Congresswoman WATSON COLEMAN for helping to organize this as well as the leadership of Congresswoman BRENDA LAWRENCE and Congressman DAN KILDEE, who is fighting for the people of his district.

Madam Speaker, the first responsibility of government is to keep the American people safe, and it is clear that the government at every level failed the people of Flint. Clean and safe drinking water is a basic human right. Now we need to focus on the people of Flint first, the men and women and children, and what is happening there.

The most immediate need which we are still struggling with is what they need. People have been donating bottled water, but in Flint, mothers don't know what is safe and what is not safe because they are still getting conflicting information as to whether the water is safe to bathe in. They have rashes that no one can talk about. We have a Governor who says if he had grandchildren, it would be safe, and an attorney general who is saying if he had children in Flint, he wouldn't let them bathe. They don't even know what is safe.

We need to make sure that we are taking care of people, that they have access and clean water. These families have no transportation. They have set up water sites at five firehouses, and yet we don't think about it because we are so lucky. These people don't have transportation. Many of them have no way to get there. They are allowed one case of water a day. Now, think about that. If you are trying to bathe your

children and you don't know if tap water is safe or if the filter is there. Think about if you are cooking spaghetti, a very common meal, you need bottled water to just cook the spaghetti. So we really need to think about the people of Flint and what it means to their daily life.

Secondly, we need to determine what it is they need long term, figure out the resources they need and all work together to get them. As my colleagues have so eloquently said—Mr. KILDEE, Mrs. LAWRENCE—who is accountable? Hold people accountable and make sure this never happens again in America.

But having said that, there are 153,000 water systems in this country. Very bad decisions were made that made a community totally toxic. As my colleague Mr. KILDEE said, not only do we have to fix the infrastructure, but we have almost 10,000 children who are going to need Head Start, they are going to need access for resources for probably a lifetime, for decades for health care, et cetera. How are we going to ensure that they have it? But how are we going to make sure that we are addressing this problem across the country and making sure it never happens again? We need to make sure that our government at every level never fails another community again.

The bringing of this tonight, the talking that all of us are doing, may we all work together to fix this man-made crisis and make sure we keep America safe for every other community.

Mrs. WATSON COLEMAN. Thank you very much, Congresswoman. I now yield to the distinguished lady from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, as a citizen and representative of the State of New York, I want to express my concern to all my colleagues from Michigan that in New York we care very deeply about this issue.

I want to thank certainly Congresswoman WATSON COLEMAN for her leadership in allowing me to speak tonight. I rise today, Madam Speaker, as the only microbiologist in Congress to discuss the current health disaster in Flint. It is not only a public health disaster but is also a violation of our social contract.

The magnitude of the public health crisis in Flint first became apparent nearly a year ago, when lead levels of 397 parts per billion were first detected in the city's drinking water, 26 times the limit that the EPA uses to trigger action. In fact, last summer, a group of researchers found lead levels high enough to meet the EPA's definition of toxic waste. No wonder that the filters that have been given to the people of Flint have been rendered useless.

The truth is, the only safe level of lead in water is zero. Sadly, children are particularly susceptible to the damaging effects of lead poisoning. The proportion of infants and children with above-average levels of lead in their blood in Flint has nearly doubled since this crisis. This toxic metal robs their brains of gray matter in the regions that enable people to pay attention, to regulate emotions, and control impulses. For the rest of their lives, these children will likely suffer from neurodevelopmental damage, reduced intelligence, behavioral changes, anemia, hypertension, renal impairment, and other lifelong effects of lead poisoning, including a higher risk of incarceration.

What is worse, these children have been poisoned as a result of deliberate decisions and systematic failures by the State of Michigan. Make no mistake about it, all of us who serve in this House and in yonder hall, as they serve in the Senate, have a responsibility for these children because our oath requires that we will protect everyone from enemies both foreign and domestic. We have no right, and I think it borders on criminal that we would allow this kind of thing to happen to children who are also in our care. The failures of the Michigan State government are inexcusable, and doing this to our smallest citizens is criminal.

Need I remind us that the democratically elected city council was superseded by a State-appointed emergency manager—I don't know what the emergency was, but he certainly created one—who made these dreadful decisions that brought us to this process and to this democratic process that was undermined and the hundreds who live with the consequences of it.

Those in Congress who have blocked investments in our Nation's infrastructure need to take another look at the consequences of their inactions. Instead of investing in roads, bridges, and pipes, we spent trillions of dollars on bombs, on decimating other countries, on war and wounding about 60,000 young Americans. While this failure impacts all Americans, it disproportionately harms the low-income areas, communities of color, doubling down on the already wide racial, health, and economic disparities across the country.

Now, Flint is only the latest example of this disturbing reality. I fear that it is a bellwether for the rest of the Nation. Just under foot nationwide are century-old water pipes in almost every city, certainly in the New England States, that may be the very next to fail. We have got to take the steps to reverse the failed choices that brought Flint to the brink, but also to ensure that what happened in Flint does not happen in other communities across the country. Again, that is our responsibility.

I thank Congresswoman WATSON COLEMAN for her timely concern over the issue and for yielding to me.

Mrs. WATSON COLEMAN. I thank the gentlewoman very much for not only her eloquent words but the fact that she can speak from her scientific background, being a microbiologist. Absolutely there is science in this issue.

Now I yield to the co-chair of the Progressive Caucus, the gentleman from Minnesota (Mr. ELLISON).

□ 1745

Mr. ELLISON. Madam Speaker, this is the Progressive Caucus Special Order hour. I am so honored that BONNIE WATSON COLEMAN leads our Caucus in this regard. It couldn't be more important tonight than to have an excellent leader guiding us in this discussion because, in my opinion, the Flint water crisis is one of the most stunning failures of the philosophy that you ought to run a government entity like a business that I have ever seen.

Tonight the Flint water crisis that is in front of us is not a tsunami, it is not a tornado, and it is not a flood. It is decisions by people who have inflicted massive harm and damage on children and the community at large.

When we say children, the damage to the children is absolutely incontrovertible, but what about our seniors? What about our people in the prime of their lives who cannot use the water in the city that they expect to use it in?

I submit to you that this problem is the responsibility of Governor Snyder, who believes in running government like a business. The former leader of Gateway Computers promised outcomes and deliverables during his campaign, but he wasn't selling computers. You are supposed to be giving public services to the people. It is very different. Apparently, the deliverables that he wanted to deliver, delivered awful, horrible outcomes for the people of Flint.

Before the Flint crisis, Mr. Snyder spent $1.8 billion in tax cuts for corporations, leaving very little for small, struggling cities like Flint. Of course, it is all based on the philosophy that if you don't regulate rich people and big companies and you give them all the tax breaks they ever want, then they are going to invest it all in the plant and equipment and wages and make it better off. What a stunning failure. It is a lie, an untruth, and a demonstrably false claim.

To save money, the Governor has been appointing political cronies as financial managers to mostly Black, mostly poor municipalities around the State. When I say that folks in Flint are mostly Black, I want to say this. They are not all Black. There is a shared harm on White communities and Latino communities as well. I don't want people across America to think: ''Well, I am not Black, so it is not really my problem.'' No, it is your problem, if you are living in Flint and drinking water, no matter what your skin color or ethnic background is.

In Flint, the emergency manager suggested switching the city's drinking water supply to the Flint River to save the city about $5 million. Thank you. It will cost billions to correct the damage that this perverted philosophy of money before people has resulted in. The conservative mantra says that cutting spending and shrinking government is the way to go. Well, he sure did

that, and now we have this crisis on our doorstep.

The government and businesses do not have the same bottom line, they should not have the same bottom line, and we should treat businesses like businesses and public services and government like that. They should not confuse one for the other.

We have a crisis of democracy in Flint. Under the guise of fiscal responsibility—which we all know only applies to low-income people and never the well-to-do and the well-heeled—they are never asked to be fiscally responsible. For example, in Florida, the poor have to be fiscally responsible. They even have to be drug tested to get welfare. We give farm subsidies away—that is welfare, too—and nobody is asked to do anything. It is ridiculous. It is a double standard.

Under the guise of fiscal responsibility, Governor Snyder used the State's emergency manager law to remove local power and appoint his own personal emergency managers to run the city of Flint and numerous other committees in Michigan, including my own hometown where I was born and raised in Detroit, Michigan.

I am a proud Representative of Minneapolis, Minnesota, and its suburbs today, but I was born in Detroit. I can never—nor would I want to—disconnect my connection to this crisis. This is my crisis. This is the State where I was born and where my two older brothers and my parents and nieces and nephews live right now. My brother, Reverend Brian Ellison of Church of the New Covenant Baptist, was born in Flint.

Of the 25 times that emergency financial managers have been appointed in Michigan since 1990, Rick Snyder has appointed 15 of them. In doing so, he has denied these communities their right to representative democracy. This kind of idea that when your town is in trouble, democracy and the voice of the people cannot be part of the solution, is offensive to anybody who cares about democracy. Instead, it turns over control to an outside dictator who reports only to the Governor, not anyone in the community.

I want to talk about Flint by the numbers just for a moment:

8,657 is the number of children under the age of 16 exposed to lead poisoning—it may be more now;

$5 million is the amount of money that Flint's emergency manager was trying to save by switching the water supply to the Flint River;

$1.5 billion is estimated as what it would cost to now replace Flint's corroded water pipes;

$100 is the amount of money per day it would have cost to treat Flint's water with an anticorrosive agent;

10 is the number of Flint residents who have died from a Legionnaires' outbreak in Flint that experts suspect could be linked to waterborne illnesses;

Zero is the number of corroded pipes removed from Flint since the Governor decided to appoint this emergency manager.

Now, as I close, I just want to say that there is another group of people who I just want to bring to light today, and that is a group of people in our society who live among us who clean hotel rooms, work on farms, and who really work superhard. These are people who may not have documentation to live in the United States.

One of the stories that we have yet to really put a lot of light on is the fact that undocumented people are being, according to reports, turned away from services. You need an ID to get the water. There are cases where undocumented people have not been able to get the services that they need.

I just want to say that Flint's undocumented migrants hesitated to request help during the water crisis. On this floor and in other legislatures around this country, conservative legislators are talking about the aliens and all this kind of stuff as if these people are from another planet, but my God, you deny them water? Come on. The fact of the matter is that this is a humanitarian crisis. It deserves the full attention of our government.

The Progressive Caucus will offer an entry in our budget addressing this crisis and coming at it with the money. Yes, we think the health and safety of the children and the people of Flint are more important than somebody's tax cut. We do believe that to be true, and we are going to be standing firm for that.

We also urge all of our Members in this body to say wait a minute. Anytime public policy says the only thing that matters is cutting taxes and we don't really care about public services, you are going to get a crisis like this.

Now that we have seen what this abhorrent philosophy will bring, I think we can all say we need to slow down and ask ourselves the question: Isn't it worth a moment to spend time to deliver quality public services to all of the people of this country? Isn't it time to let government do what it is supposed to do, to protect the people?

Mrs. WATSON COLEMAN. I thank Mr. ELLISON, and I appreciate him taking the time to be here.

I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank Congresswoman WATSON COLEMAN for her leadership in coordinating this Special Order, and thank you to the Michigan Representatives who have been working so hard to try to respond to this tragedy.

Madam Speaker, there will be a lot of investigations designed to find out what happened, whose fault it was, whether or not any crimes were committed, and how to prevent this from happening in the future, but there is one thing we know, and that is that children have been poisoned by lead exposure.

As the ranking member of the Committee on Education and the Workforce, we have begun the process to determine how to appropriately respond, because we know that lead poisoning creates severe challenges to the public school system.

Children are entitled to an equal educational opportunity. That goes back to the Brown v. Board of Education case where the Court found that it is doubtful that any child may reasonably be expected to succeed in life if denied the opportunity of an education. That opportunity is a right which must be made available to all on equal terms.

The local, State, and Federal governments have all failed our children, allowing them to be poisoned by lead exposure. We owe it to our children to mitigate, to the extent possible, the adverse effects of lead poisoning so they can achieve an equal educational opportunity.

Research already shows that the adverse effects of lead exposure are great due to decreased academic attainment, increased need for special education, higher likelihood of behavioral challenges, and it can result in a significant loss in earnings and tax revenues, additional burdens to the criminal justice system, and great stress on our hospital systems.

The opportunity for a strong start to a successful life will be stunted for Flint's children if they are not given the necessary resources including early interventions and access to high-quality early learning programs such as Head Start to help them overcome the lifelong effects of exposure to lead.

We have an obligation to provide these resources—and provide them as soon as possible—while they can be most effective. Current funding, however, only allows 20 percent of Flint children who are eligible for Head Start to actually attend.

The children who are able to participate in Head Start can receive early screening services for developmental disabilities. Families can receive counseling and assistance in accessing services. Head Start can provide the Flint families affected by the disaster with early intervention services that they desperately need. But in order to do so, all families eligible for Head Start—not just the 20 percent presently participating—need to be able to access Head Start. We need to come up with the money to make that possible.

But make no mistake; we should not expect the fix to this crisis to be easy or cheap. The impact of lead exposure on young children is long-lasting, and our response must have a long-term approach. We must use all of the tools available to us, starting with prenatal care and screenings for pregnant moms, early intervention to identify special education needs, title I funding from ESEA, after-school programs, and even investments in college access efforts.

Our children's futures have been compromised by bad government decisions, but we know how to mitigate that damage. The response has to be

more than just the infrastructure improvements and repairs to finally provide clean water. We need a comprehensive response. Members of the Committee on Education and the Workforce will be working to formulate the appropriate response to the educational challenges. Other committees will work to the responses within their jurisdictions. But one thing is certain: it is imperative that these resources be provided now, without delay.

Mrs. WATSON COLEMAN. I yield to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Madam Speaker, as a member of the Congressional Progressive Caucus, I thank Mrs. WATSON COLEMAN for her leadership, and I stand with my colleagues from the Michigan delegation and our colleagues throughout this House in our outrage over what has occurred and the pursuit of justice for the people of Flint.

As a New Yorker, I say to myself: There, but for the grace of God, go I. We, too, in New York City faced a lead crisis when callous landlords did nothing to abate lead paint in their older housing stock. A crisis that impacted untold numbers of young New Yorkers remains with us to this very day. But then, that was the private sector. Who will speak for the marginalized and disenfranchised that depended on the State leadership of the Governor, Mr. Snyder, and his team to keep them safe from harm?

The decision of the State of Michigan to change the source of water for the sake of saving money showed an utter disregard for the well-being of the people of Flint. It is a national disgrace. It is a national tragedy. This callous disregard for the poor and the vulnerable leaves us all culpable for what has happened in our Nation.

□ 1800

The timeline of events is especially unnerving. The source of Flint's water was changed in April of 2014. For nearly 1 year, complaints about the water quality were ignored by the Michigan Department of Environmental Quality.

It took the EPA one series of tests to determine that the water was unusable, just one series of tests. And we know, as a result of that, that this water was definitely unsafe for human consumption.

The result is babies, children, nursing mothers, the elderly, some with compromised immune systems and health, were poisoned by their own government.

Access to clean water and clean air are fundamental human rights. The State of Michigan has failed the people of Flint. Its State leadership has demonstrated a contempt and marginalization of the humanity of her people.

Who will speak for the marginalized and disenfranchised of the callous disregard for the poor and the most vulnerable?

Well, tonight and every night across this Nation Americans are standing up to say that this cannot be tolerated, that justice is due, that we have to speak out for the vulnerable communities, often minority and impoverished, that are victims of environmental injustice.

We must stand firm in our resolve to see that the people of Flint are dealt with in a humane manner, that their lives are enhanced by a quick remedy to what they are currently experiencing.

The malaise, the laid-back way in which people—in particular, the Governor and his administration—are dealing with this crisis leaves all of us uneasy.

You have heard from my colleagues this evening about the impact of lead on the brains of developing children. You have heard about how lead impacts the health of those with compromised immune systems.

We are also hearing about other contagions within the waters of the Flint River maybe even being tied to Legionnaires' disease. We will continue to see health crises emerge as more and more is discovered about actually what is in the Flint River.

We have also been told that the level of lead within this water is so over the top that the filtration systems that have been given to the people are no longer capable of providing them with a safe source of water.

So it is now up to Governor Snyder to do right by his own people, to stand up and to do what is right by the people of Flint, Michigan. The effects of what has taken place in Flint will be effects that will be felt and experienced by the people of Flint, Michigan, now and into the years to come.

It is our sincere hope that the Governor and his team will do right by the people of Flint, Michigan, and, by extension, the people of the United States by moving swiftly to apply the resources of Michigan to the mitigation of this problem as well as to make sure that every life, every soul, that has been impacted by the poisonous water that they have consumed will be taken care of today and for the rest of their lives.

So I thank BONNIE WATSON COLEMAN for her leadership this evening. I thank all of my colleagues for standing up, for speaking out, for being consistent, in demanding that this Governor do right by his people, that he come out with a plan immediately to direct the resources needed to fix this problem, and to address the illness that is ultimately going to be a part of the lives of a significant portion of this population for the rest of their lives. It is the right thing to do.

Mrs. WATSON COLEMAN. Thank you very much to the Congresswoman.

Madam Speaker, could you tell me how much time I have left.

The SPEAKER pro tempore. The gentlewoman has 7 minutes remaining.

Mrs. WATSON COLEMAN. Very quickly, I would like to acknowledge the fact that Congressman JOHN CONYERS of the 13th District of Michigan was here and has left a statement, which I will submit, with regard to this issue and the fact that he visited Flint, Michigan, just the other day.

I also want to just state two things very briefly, number one, something that Congresswoman CLARKE spoke to, which is that these are permanent concerns that we have. This impairment that has taken place as a result of exposure to lead is something that these young people will carry the rest of their lives.

It is not just what we are going to do about trying to educate them now. It is how we are going to address this as they move through adulthood and how that impacts their ability to take care of their lives and to have careers, to be responsible.

So I do hope that the Governor does, indeed, do the investigations and the work that he needs to do in order to address these issues immediately. I hope the Federal Government does the kind of investigation of everybody included in this situation, including the Governor, to see just why this had to happen in the first place.

Finally, I yield to the eloquent and vivacious and ever-ready Congresswoman from the great State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, may I have the time remaining?

The SPEAKER pro tempore. The gentlewoman has 5 minutes remaining.

Ms. JACKSON LEE. Madam Speaker, let me thank the gentlewoman for her generosity, and let me, first of all, thank her for leading the Congressional Progressive Caucus.

I understand she is due a recognition, of which I celebrate, that she will have shortly. But let me thank her for her astuteness about state government.

You come from state government. You understand oversight. You understand the responsibilities. You are the right person to lead this particular Special Order.

Madam Speaker, it is important today to say that I fully support the proposed supportive services that have been accounted or recounted by Congressman KILDEE, Congresswoman LAWRENCE, and Congressman SCOTT, who is the ranking member of the Committee on Education and the Workforce. We must embrace and surround those children.

I must say it again. I said it earlier. For those of us who remember Jim Jones, who left California and gave a poisonous concoction to children in a foreign country, we have a Jim Jones in Michigan giving a poisonous concoction to the children of Flint, Michigan.

So we are obviously upset about this, and we want the services to be provided for children, who are innocent.

But, at the same time, wearing a hat that deals with the law and law and order, I must make the argument that there has to be a criminal investigation.

Let me applaud the Department of Justice because I sent a letter January 14, 2016, to ask the Department of Justice to immediately investigate the actions of State officials in Michigan. They are actively engaged. The FBI is actively engaged, and their work is not for naught.

Let me give you an example, Madam Speaker, very quickly. The Governor was asked to release his e-mails. Part of what he released was this black, redacted pages of information.

He released some other materials that I think are telling. Here we are: ''We need Treasury to work with Dan in Flint on a clear side by side comparison of the health benefits and costs of GLWA [Great Lakes Water Authority] vs. a more optimized Flint system.''

But here's the real key: ''Also, we need to look at what financing mechanisms are available to Flint to pay for any higher cost actions.''

Madam Speaker, the Governor of the State of Michigan is sitting on $1 billion. Yet, he is asking a city that is near bankruptcy, controlled by an emergency manager under a State law that was rejected by the people of Michigan, to find out how they can pay for better water. They have no money to pay for better water.

But let me tell you what they did. Instead of helping Flint pay for better water, helping them have a plan for anticorrosion, they paid an emergency manager under a law that was rejected by the voters of Michigan.

This individual led the Detroit's Public Schools as an emergency manager. I am told that that was literally brought to collapse. He was paid $180,000. Well, he didn't do that well enough that they wanted to give him $221,000.

Let me say this. The emergency manager payment for the city of Flint—let me correct that—was $180,000. When he did it for Detroit's Public Schools, that came to near collapse. It was $221,000.

From my perspective, there is much here that warrants a criminal investigation.

Let me add to the point. On April 25, 2014, the city switches its water supply. Let me be very clear. The city leaders—I served on city council—had no authority because the emergency manager was in place.

Did the emergency manager have an anticorrosion plan? No.

Did they test the water when they opted to go cheap and save $5 million and go into the Flint River? No.

The city switches its water supply, because of money, from a Detroit system that works. The switch was made as a cost-saving measure for the struggling majority-Black city of Flint.

Soon after, residents began to complain about the water's color, taste, odor, and to report rashes and concerns about bacteria.

In August and September 2014, city officials suggested that they boil the water, the complete wrong thing to do.

They did not have a plan for anticorrosion. They did not follow the Federal law that indicated that you had to put phosphate, an anticorrosive element, into the water. So it continued to deteriorate and deteriorate.

Guess what, Madam Speaker, and my colleagues. The emergency manager was never a scientist. It was not someone who said: Let me test the water before I order citizens to drink the water.

That sounds to me like there is culpability and criminal culpability because lives have been endangered. And so I am looking forward to the attorney general of Michigan coming in, just as the Governor should, and looking forward to a thorough investigation, Madam Speaker, that will find some relief.

My final point, Madam Speaker, is to say that the Governor is culpable. The Governor right now needs to go into his rainy day fund and provide the full funding requested by Mr. KILDEE and all others to fix the Flint water system.

Mrs. WATSON COLEMAN. Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I rise today in support of my neighbors in Flint, Michigan, who are facing one of the greatest disasters in American history. We cannot erase their pain. But I know that I stand with my colleagues in saying we will do everything in our power to help them recover and help make sure it never happens again.

The sort of regulatory neglect that has brought Flint to its knees has a well-known disparate impact on urban, low-income, and minority communities. Residents who cannot afford to move to suburbs and wealthier neighborhoods, or who do not want to leave their longtime communities, are treated as second-class citizens. Here in Michigan, the twofold combination of negligent environmental protection and underinvestment in infrastructure is forcing those in underserved communities to pay with their health and lives.

We see this in places like Detroit, where 8% of children have elevated blood levels—16 times the national average according to the Centers for Disease Control. We see it in places like Flint, where an unelected emergency manager switched the city's water to an unsafe, untreated source, which has exposed tens of thousands of residents to toxic lead levels.

Exposure to lead—a potent neurotoxin—carries lifelong consequences. Flint parents must now raise children who face lifelong developmental and behavioral challenges, cover economic costs their city cannot afford, and confront mounting medical bills that cannot undo the harm they have suffered. Our thoughts and prayers are with them. But they need more than that—they need action.

It has become an all too common tale that whenever an urban or low-income community's water or air quality is in question, risks to the health and safety of its residents are ignored. This must stop. Underserved communities generally face so-called ''acceptable'' risks that no other community or suburb would ever accept—or be asked to accept. This must stop. In Flint, the decision was made by someone they never voted for and approved by someone who did not care that it might lead to toxic exposure for city's residents. This must stop.

The time when apologies and resignations would suffice has passed. The disregard for the health and safety of our neighbors in Flint will mean massive, heartbreaking consequences for those affected and their city. Anything less than a transformative, lasting shift in the Michigan Department of Environmental Quality and Michigan's other regulatory bodies—from panderers to guardians—simply adds insult to injury. We are not dealing with isolated events of negligence. There is a pattern and practice of disregard for the quality of our air and water that has become intolerable, and we will not settle for mere assurances to do better.

Unfortunately, it appears those responsible for Flint are more focused on surviving the scandal than fixing the problem. Governor Snyder has said he is sorry but he's only offering half measures: free water that they cannot drink anyway, a fraction of what is needed to fix Flint's plumbing, and resources that cannot possibly overcome the health impacts of lead exposure. It appears the only time he thinks Michigan, the City of Flint, and the federal government should work together is when it is time to apportion blame, or when it is time to do everything he says on his terms.

But we know how that story ends. It is time for those of us in Congress who care about a safe environment more than the business environment to act. That means directing federal resources to help Flint recover and rebuild, figuring out exactly what went wrong, and ensuring that this never happens again.

Fixing this problem starts with providing government services that will actually help these people heal. Especially the children so they can succeed in life—which means a proper education, comprehensive healthcare, and access to everything a child in a wealthy community would have if they were similarly exposed. It means repairing the infrastructure, so that they can have clean water again.

Preventing this from happening in the future starts with strengthening—not cutting—our enforcement capacity. It means eliminating emergency management programs that cut government regardless of the cost and strip citizens of their democratic rights. It means stopping with the idea that a small government is a good government, and it means stopping efforts to undermine our government by cutting its budgets to the bone.

CONGRATULATING ABIT MASSEY FOR RECEIVING THE UNIVERSITY OF GEORGIA PRESIDENT'S MEDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Madam Speaker, I rise today to congratulate Abit Massey on receiving the prestigious University of Georgia President's Award in recognition of his extraordinary service to UGA and the State of Georgia.

Abit is an institution in Georgia. He has served as the head of the Georgia Department of Commerce, the UGA Alumni Association, and on the board of the Georgia Research Foundation,

among numerous other prestigious positions.

In my part of the world, Abit is better known as the dean of the poultry industry due to his tireless commitment to and advocacy on behalf of the industry. Abit served as the executive director of the Georgia Poultry Federation for almost 50 years and now serves as its president emeritus.

One of the most amazing things about Abit is that not only does everyone know him, but everyone respects him. He is the dean of the State lobbyists at the Georgia Capitol, but he still makes time to say hello to everyone he meets and often greets them by name because his memory never forgets anyone.

Abit's service to Georgia and commitment to the State is obvious, but I am glad to see UGA recognize that service through bestowing him the President's Award. I am honored to recognize this great Georgian and hope he continues to work to improve future generations of Georgians.

ENGLISH LANGUAGE UNITY ACT

Mr. COLLINS of Georgia. Madam Speaker, I rise today in support of H.R. 997, the English Language Unity Act, introduced by my friend, Mr. KING, from Iowa. I am a proud cosponsor of this important and commonsense bill.

The English Language Unity Act establishes English as the official language of the United States, requires all official functions of the United States to be conducted in English, and establishes a uniform language requirement for naturalization.

□ 1815

A common language creates a shared bond. It strengthens our shared cultural fabric and identity. English as the official language does not mean other languages cannot be spoken. It simply recognizes that officially. We speak the language already spoken and shared by the vast majority of the country.

Failure to have a national language can create costly and burdensome translation requirements and create legal confusion. It can also hinder new citizens from assimilating quickly.

The diversity of the United States is one of our strengths. We should continue to celebrate the many cultures that make up our melting pot. This great country gives us the freedom to share our differences. But at the end of the day, we are one Nation and one people. And as one Nation, we should speak with one tongue when conducting official business.

Mr. Speaker, I urge my colleagues to support the English Language Unity Act.

HONORING DAN SUMMER OF GAINESVILLE, GEORGIA

Mr. COLLINS of Georgia. Mr. Speaker, it is with a heavy heart that I rise to pay honor to a friend and a colleague, Mr. Dan Summer. Dan was an attorney in Gainesville. As a young attorney just getting started, he was one of the people that I could turn to and ask questions of. He was somebody who listened. He was somebody who cared.

Dan and his wife, Chandelle, ran a firm. Everyone in Gainesville knew that if you went to them, you are going to get treated like family and have somebody that takes not only the fight for your justice and for your fairness, but makes it very personal.

When Dan passed away recently, he fought all the way to the end. ALS took him from us, but his memory is strong.

What he has meant to Georgia and the legal community will go on for many generations. He is one that stood up for rights. Many times when others may have disagreed, Dan always stood up for the rights of others. Dan was always making it his business to be the protector of those in need. Dan Summer is who make Gainesville, Georgia. It is people like Dan Summer; his character, his loving kindness, and his smile.

I remember one of the last times that I saw Dan, it was a little bit ago. He was walking across the Square in Gainesville. I pulled up, and I saw him walking across. I yelled: Hello, and the first thing he did was turn around. And I saw that smile. It is Dan's smile, his concern, and his life that will be remembered.

Mr. Speaker, I would encourage all of us to strive for what is better in us. Dan Summer is one of those people that meant the world to me. His family will experience this loss, but I know they will continue to relish the love that he gave to not only his family but to his community. With that, I remember Dan Summer.

LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS

Mr. COLLINS of Georgia. Life. Liberty. The pursuit of happiness. Mr. Speaker, in the United States Constitution, our Founders cast their vision for our Nation whose members would enjoy unparalleled freedom because of these basic truths.

Life, liberty, and the pursuit of happiness. Unfortunately, today, many have lost the pursuit of happiness in favor of the guarantee of happiness. They are mistaking what we have as a guarantee in that pursuit of happiness. These Founding Fathers believed in individual worth and individual rights. While the challenging realities faced by citizens of nations that prey on individual and economic liberties sometimes remind us of the particular blessings we enjoy, we take these rights so often for granted.

I believe one of the things that is beginning to pervade our society today, Mr. Speaker, is a society that does not value life or liberty or the pursuit of happiness. In fact, I believe there is an anti-life culture that is developing, one that does not value the personhood that comes at conception and ends at natural death, the one that says that we are made by God in His image, and we have infinite value not based on who we are, but based on the fact that He breathed life into us. It is an abortion culture, an ending culture, that we are being strangled with in the United States.

Abortion is literally killing generations of promise in our country. But yet we have some who really just want to turn their back. They believe it is a choice.

I am so glad, Mr. Speaker, that your family didn't view it that way and my family didn't view it that way. Because when you look at life, you take life as God has given it to us. And it is only up to Him, who gives life, the Maker and Creator of life, that determines the potential and the possibilities. Whatever path we go on, He has given us that hope.

In my own family, this became very real for me. I have had many years of pastoring, but it happened back in 1992. You see, there was a young youth minister and his wife excited about the news that they were going to be parents. Everything was great. Everything was moving along. They were working. They were doing everything that they thought that they were supposed to be doing, until one day my bride called me and said: Let's do an ultrasound. We have one last ultrasound. The doctor wants to do one last ultrasound.

I came running back. I was off on a business trip. I got back just in time to get there. They were doing the ultrasound. Ultrasounds are amazing because they show life—not a fetus, not a blob—they show a life in the womb. It starts when God breathes it in. If you don't believe me, just take a look.

Even back then when they started to go around, I could see my child whom I had not had a chance to meet yet. Then a little bit later, the nurse stopped. She said: I need to go get the doctor. At that point my wife looked at me, and she said: Something is wrong. Tears started coming down her face.

I said: Sweetheart, they are just going to get the doctor. He is just going to look at it. It is all good. She said: No, something is wrong.

It came back. The doctor looked and said: I need to show you something.

On a little spot, a little white spot that I could have not told the difference of, the doctor told us the words that have now rung for me for almost 23 years. He said: Doug, Lisa, your baby has spinal bifida. He actually used a big term called myelomeningocele. All I knew was something was wrong.

We spent the next few days in sort of disbelief. We knew this was not a mistake. We knew this was not anything except we were supposed to have a child, and, undoubtedly, this was just going to be a little different. We talked to doctors, and we found out it just continued on.

Then one day, Lisa went back to school after it had become known that we were having an issue and the pregnancy was now going to be high risk. One of the teachers came up to Lisa and said: You know you have a choice. Lisa looked at her and said: Well, we

are going to Atlanta, and we are going to have the baby in Atlanta. She said: No, no, no. You have a choice. You don't have to keep going.

At that point, it clicked. This teacher was telling my wife that she could kill my baby. Lisa realized it real quickly. Lisa said: You realize you are talking about my child.

When I hear of Planned Parenthood cavalierly talking about a choice to kill a baby, it is horrifying.

In this body, the reconciliation is addressed that we are going to continue to because there was a choice made this week. You had a chance to vote for life, and if you voted ''no,'' you voted against life. Don't try to make it any other thing.

The country has a choice coming up this year. It can take a culture of life from conception to death, natural death, or it can continue to value life, as man does, as throwaway, as maybe not good. You see, prioritizing and saying this is what we believe is what makes this life, liberty, and the pursuit of happiness worth pursuing.

They told us that Jordan would have trouble. I actually had somebody one time in a town hall say: Well, her quality of life may not be good. You may have done her a disservice. I choked back my angry tears, and I said: You don't know my daughter.

You see, it is that time of the year when elections come around. My daughter just got back home from her job skills training. She is looking for a job. She is 23 years old. She is back home. She is going out to find where she can make a place in this world. She has a smile that will light up a room. Her little chair whips around faster than you can imagine.

I was thinking about even my own election, and my wife looked at me the other night, and she said: You know, you realize you got something coming up this year. I said: What's that? She said: Your secret weapon comes home on Friday. She is daddy's girl.

You see, life is what you make it. Life is not what somebody else says your life is.

When we have a culture of life, abortion is an abomination to that culture of life. It is why we need to continue every day to put forward a culture of life on this world, Mr. Speaker. It is why we will continue to put forward a culture of life that says we value all.

When we do that, no one has to ask where DOUG COLLINS stands. DOUG COLLINS stands with life. DOUG COLLINS stands with those of all. Because I am one who believes that no matter who you see in a day, Mr. Speaker, when you look into their eyes, you see someone of infinite worth, of infinite value, not because of anything they have done, but because of the life that was put into them by their Creator.

It is abortion that takes that away. It is why I will continue to come to this floor as many times as I possibly can and stand for life because that is the life, the liberty, and the pursuit of happiness that our Founders spoke of.

Mr. Speaker, I yield back the balance of my time.

RESTORING ARTICLE I AUTHORITY OF THE UNITED STATES CONGRESS

The SPEAKER pro tempore (Mr. BOST). Under the Speaker's announced policy of January 6, 2015, the gentleman from Iowa (Mr. KING) is recognized for the reminder of the hour as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my honor to be recognized to address you here on the floor of the United States House of Representatives. I appreciate your attention to these matters that come before the House and the House Members that are in attendance, observing in their office, and all the staff people around.

Mr. Speaker, it is important that we carry these messages out. I come to the floor tonight to raise a topic that is important to all Americans, especially the Americans who take our Constitution seriously, and even more importantly, those Americans who have taken an oath to support and defend the Constitution, and that would include all of our servicemen and -women along with many law enforcement officers and officers of the article III courts, the entire House of Representatives, the entire United States Senate, and, to my knowledge, the entire body of legislators across the country and the State legislators. I have many times—a number of times—taken an oath to support and defend our United States Constitution but, in the State senate, also the constitution of the State of Iowa.

Our Founding Fathers structured our Constitution so that we would have three branches of government, and some say three equal branches of government. I do not completely agree with that assessment, Mr. Speaker. Instead, I contend that the three branches of government were separate, and they are separate. But the judicial branch of government was designed to be the weakest of the three. Our Founding Fathers understood that there would be competition between the branches of government.

So as part of this discussion, I would like to announce into the RECORD here, Mr. Speaker, that our chairman of the Judiciary Committee, Chairman GOODLATTE, has initiated a task force—a task force—that is designed to address the article I overreach of the President of the United States and the executive branch—not only this President, but previous administrations as well.

I appreciate and compliment Chairman GOODLATTE for his insight and foresight for taking this initiative. I thank him for suggesting and then ratifying today that I will be chairing the Task Force on Executive Overreach. It will be comprised of members of the Judiciary Committee, Republicans and Democrats. It will be bipartisan. I had hoped that it would be nonpartisan. Judging from some of the tone in the debate today, there could be a little flavor of partisanship in there, Mr. Speaker. That is fine, because that is how we bring about our disagreements.

In any case, a task force has been set up, and it will function for 6 months. Some time in August its authorization will either expire or it will be reauthorized and extended for another period of time.

The theme is, again, restoring the article I authority of our Congress and to address the executive overreach.

The circumstances that bring us to this point are myriad. The objectives of the task force, as I would design them, and the object of a chair of a committee is to bring out the will of the group.

I would point out, Mr. Speaker, that the object, the plan, and the strategy is this: First, it is my intention to intake all of the input that we get from Democrats and Republicans from the bipartisan side in the committee and to build a rather expansive list of the executive overreach that we have seen from the article II branch of government.

I say it that way so that we bring everything into our consideration. Then once that expansive list is made, then we will pare it down to those things that can be sustained as the authority of this Congress versus the authority of the executive branch of government.

I would point out that the executive overreach isn't only about the unconstitutional overreaches that have taken place, especially recently within this administration, but it is also, Mr. Speaker, about the constitutional overreach when a President will act under authority that maybe has been granted to the executive branch of government by the legislative branch of government, or an authority that has been expanded off of an authority that was granted by the United States Congress.

□ 1830

A big piece of this will be the rules and the regulations that are the authority that we have granted to the executive branch of government over the Administrative Procedures Act.

We know that when the executive branch publishes rules, we have been getting more and more rules that are published. Once they are published for the prescribed amount of time, and the comment periods for the prescribed amount of time are allowed and the American public is allowed to weigh in, at a certain point they have complied with the requirements of the Administrative Procedures Act and then the rules go into effect. Often the rules that are written by the executive branch of government are without the purview of Congress, but they have the full force and effect of law. That is troubling to me.

Our Founding Fathers envisioned this. They gave us the republican form of government and a constitutional Republic. This constitutional Republic is

designed to be a limited government, Mr. Speaker. They didn't envision that the Federal Government would grow to the expansive lengths that it has. They thought that they would be able to keep it in a narrow limited form and that the States would be dealing with the more detailed issues that the Federal Government was not the benefit of.

We have the enumerated powers. They intended for us to stay within the enumerated powers. The definitions that have come forward here by Congress, they reached out and stretched the limits of the enumerated powers.

They didn't imagine that there would be speed limits on the dirt trails that had horses and buggies on them, and they didn't imagine that the Federal Government would be subsidizing roads in a way that would allow the Federal Government to set speed limits across this country. That is an example of events that have given the Federal Government—this Congress—some authority tied to the dollars that our Founding Fathers didn't envision, and it is one that I think simply we can understand.

There is a proper role for the Federal Government. There is a proper role in requiring conditions that go along with Federal dollars. I illustrate that point, though, to illustrate how far we have diverged from the intent of our Founding Fathers.

As our Founding Fathers framed the Constitution and established that all laws would be passed here in the United States Congress and not by the executive branch of government and not by the judicial branch of government, that separation of powers was envisioned to be this: Congress has the legislative authority. It is article I. It is article I for a reason, because the voice and the power of the people is vested in this Congress.

Our Founding Fathers envisioned that the policy would come forth here from the various populations of the Thirteen Original Colonies and the States that later joined. Today, if we applied the vision of the Founding Fathers, we would look at 50 States and the territories, and we would imagine that there are—and this is simply close to a fact—320 million people across those 50 States and the territories.

Out of those 320 million people would be generated ideas. There would be grievances that would be brought forward and brought to the Representatives of Congress, and there would be ideas generated to solve the various problems that we have in our country. There might be a consensus that might be formed what the tax rates should be, what the debt burden should be allowed to be, what the size of government should be allowed to be, and what kind of policies might come out of this Congress. Our Founding Fathers envisioned that.

They envisioned then that the voice of the people would be transferred and translated up through and out of the population into the mind and the heart, any activity of their elected representative.

They envisioned also that, out of the corners of the country, the Thirteen Original Colonies—and now from as far away as Guam to Washington, D.C., the corners of the United States, Alaska to Hawaii, to Florida, to Maine, and down to California certainly—that all of the ideas within that would have to compete with other ideas, and that their elected representatives in this republican form of government that is guaranteed in our Constitution would bring the best of those ideas. Not all of them, not the clutter of bad ideas, but sort the clutter of the ideas so that just the cream of the crop, the best ideas, would come from the corners of the United States and be brought here into this Congress, that an individual Member of Congress, one of the 435, would bring those ideas into the competition of the ideas of the marketplace here.

The ideas of the marketplace here would have to compete against each other. Of the now 435 Members, there would be various ideas that would compete with other ideas. The best ideas that could develop the consensus out of the voice of the people would be sorted here in this Congress, and we would advance those ideas that reflected the will of ''we the people.'' That is the vision of this republican form of government. That is the vision that required that the Congress be established by article I.

The vision for article II was that the executive branch would be headed by a President of the United States, who is the Commander in Chief of our Armed Forces. We wouldn't have any Armed Forces if it weren't for Congress having the enumerated power to establish a military—an Army, a Navy, and, subsequent to that, an Air Force.

So the Founding Fathers envisioned the executive branch and the President of the United States—the President, specifically, the Commander in Chief of our Armed Forces—and that his oath is to preserve, protect, and defend the Constitution of the United States—that is the oath, so help him, God, today, as is in his oath, although it wasn't in the original oath—and that he take care that the laws be faithfully executed. That is the Take Care Clause.

Some of us say somewhat facetiously that the President of the United States took that wrong and decided to execute the Constitution instead of taking care that the laws be faithfully executed. That is something that we will debate and discuss in the task force that addresses the executive overreach, Mr. Speaker.

Our Founding Fathers also established article III, which is the courts. I will speak to that briefly in this segment, Mr. Speaker, because most of the focus of this task force is on the executive overreach. We do need to look into the judicial overreach as well. I believe that there is an effort to give that a review as well. But the Constitution requires that there be a Supreme Court, that they establish a Supreme Court, and then the various other courts are at the discretion of Congress.

I have made this argument to Justice Scalia in somewhat a semiformal setting—I might say an informal setting—a few years ago. I would argue that under the Constitution, if you read article III, the only court that is required by the Constitution is the Supreme Court. It is required that it be led and headed by a Chief Justice.

As you look at the language in the Constitution, I argued that the Supreme Court is not required to be—well, first of all, there are no other Federal courts that are required. The authority to establish them is granted in article III to Congress. Congress could develop all the Federal courts that they choose to, or they could decide to, essentially, abolish any of the Federal districts. In theory, at least, they could abolish all the Federal districts.

The only Federal Court that is required under the Constitution is the Supreme Court. Under constitutional authority, Congress could eliminate and reduce the Federal Court system all the way down to the Supreme Court. There is no requirement that there be nine Justices or seven or five or three. There is a requirement that there be a Chief Justice.

In the end, if Congress wanted to control the judicial branch, they could reduce their judicial branch down to the Chief Justice, and he is not required to have a Supreme Court building or a budget. They could reduce the Chief Justice down to himself or herself, as the case may be, with his own card table, with his own candle, and no staff. That is how narrow and small the judicial branch of government could be if Congress decided to utilize its constitutional authority.

Of course, we don't do that. But there is a history of two judicial Federal districts being abolished by this Congress back in about 1802. It was debated in the House and the Senate and successfully eliminated a couple of Federal districts—I don't suggest that we do that at all, Mr. Speaker, for those who would get on their Twitter account—illustrating the function of the Constitution itself. But the judicial branch of government has now defined it down to that. It explains that the third branch, article III, the third branch of government, was not designed to be a coequal branch of government. It was designed to be the weakest of the three branches of government.

Then Marbury v. Madison came along that established judicial review, and off we are to the races and the growth of the judicial branch of government. That can be shrunk or it can be allowed to grow, and its influence can be allowed to grow or it could be shrunk.

But I would make the point, Mr. Speaker, that it isn't only the Supreme Court that weighs in on what the Constitution says. It is each one of us here

in this Chamber and each Senator down at the other end of the United States Capitol Building. We all have our obligation to interpret the Constitution because we all take an oath to uphold it.

We are not taking an oath to uphold it the way the Supreme Court would amend it. In fact, the nine Justices of the Supreme Court—or five, as the case may be—are the last people on the planet who should be amending the Constitution of the United States. Whether it is a literal amendment or whether it is a de facto amendment is what has taken place with regard to the Obergefell case, for example, Mr. Speaker.

The judicial branch of government, article III, is designed to be the weakest of the three branches of government. If it stayed that way or if it becomes that again, we still have the conflict, the struggle for power that is going on between article I, the Congress; article II, the President and the executive branch; article III, the courts; and that static balance that is there between the three branches of government. There is a little tug-of-war going on for the balance between each of those branches of government.

Our Founding Fathers envisioned that it would be impossible to precisely define the differences, the power structure, among the three branches of government. They did, I think, a really good job given the limits of language and imagination, and also the limits of not having a complete crystal ball on what would happen here in this country. But they understood that even though they defined it as precisely as I think was humanly possible in that period of time, or even now today, they understood that each branch of government would jealously protect the authority granted to it within its particular article within the Constitution.

For a long time that is what happened. Even now we have debates about what authority the Congress has versus what authority the President has. That is the heart of the executive overreach task force that was established today in the Judiciary Committee, I would say the brainchild of Chairman GOODLATTE.

I don't believe that the Congress has done a very good job of defending and jealously protecting its constitutional authority. It started a long time ago—someone today said 100 years ago—as Congress began delegating authority to the executive branch of government. It was accelerated with the passage of the Administrative Procedures Act, which sets out the parameters for the executive branch of government to write the rules and regulations that have the full force and effect of law.

That came about, I think, Mr. Speaker, because this Congress was overwhelmed with all of the functions of a growing Federal Government. The various committees and the various task forces that are established here in this Congress grew and emerged out of the duties that this Congress recognized.

But at a certain point, Congress was bogged down with the details of governing. Willingly, to take some of that workload off of their back, they delegated it to the executive branch of government. In doing so, they had to delegate authority to the executive branch of government, too.

Not only was it the workload, in my opinion, Mr. Speaker, but it also was sometimes the political heat that is required to do the right thing. I have seen this in the State legislature, and I have seen this in Congress multiple times. Issues come up. You can't reach agreement. One side or the other is scoring political points, sometimes it is both sides scoring political points, and the heat of that gets so great sometimes it brings about a decision here. But also, the heat of that might cause the legislative branch of government to pass that responsibility over to the executive branch, take the heat off, and let them make the decision.

The result of executive decisions taking authority might be—let me pick an example—the waters of the United States rule, where this executive branch, during the terms of this President, President Obama, decided that they wanted to regulate a lot more of the real estate in the United States of America. I looked back at a time in about 1992 when I saw another effort to do the same thing as there was a designation in my State that was driven by the EPA to designate 115 streams in Iowa as protected streams.

Looking at that list of protected streams, I began wondering why would they call some drainage ditches protected streams. I read down through the rule. In there, it said, in order to preserve the natural riparian beauty, these streams, according to their geographically defined boundaries in the rule—which I never actually saw the geographically defined boundaries. They just said they were there. I don't know that they were. But according to their geographically defined boundaries, these streams shall be protected streams, and these streams and waters hydrologically connected to them. I will put that in quotes, Mr. Speaker, ''and waters hydrologically connected to them.''

□ 1845

When I read the language and I saw that that was the rule that was published, I began to go and deliver the public comment.

I asked the representatives of the rule writers: What does ''hydrologically connected to'' mean?

Their answer was: We don't know.

And I said: Then take it out of the rule.

No. We can't.

Do you mean you are representing something, and you do not know what it means, but you just know you can't take it out?

That's right. We can't take it out. This is the published rule, and now we have to get this rule passed.

In any case, that brought about a battle within the State of Iowa. Eventually, they got the rule in that said these streams and waters hydrologically connected to them will be regulated by the regulators and that they will decide what practices the rightful property owner can implement on that real estate that they have now defined to be within the regulation of the government. The phrase ''waters hydrologically connected to'' thereby became the target of years and years of litigation—of, perhaps, nearly 20 years of litigation or of maybe even more than 20 years of litigation. I guess we would be at 25 or so years of litigation.

Finally, the courts concluded that the phrase ''hydrologically connected to'' was too vague to be able to enforce it, and the collection—the menagerie—of the article III Court's ruling on an initiative that was brought forward by the executive branch of government that was not the intention of the legislative branch of government tied all three branches of government together in confusion that eroded the property rights of people who were guaranteed those property rights under the Fifth Amendment.

All of that was being litigated through that period of time when we saw the Kelo decision when the Court decided they could amend the Constitution, and the minority opinion was written by Justice Sandra Day O'Connor. I stood on this floor and almost unknowingly quoted her minority opinion because we had come to the same conclusion independently that the Court had taken three words out of the Fifth Amendment, and those three words were ''for public use.'' So now, effectively, the Fifth Amendment reads: nor shall private property be taken without just compensation.

We know a little about that debate taking place in the Presidential race because we have a candidate who believes that that is the right thing—to take people's private property for private use if you can convince the government that would be confiscating it, that it is of better use if it pays more taxes. I disagree with that, Mr. Speaker, and I believe that the Kelo decision will be reversed one day when we appoint constitutionalists to the judicial branch of government. I believe also in the result of that, over a period of time, if we get the right President who will make the right appointments to the Supreme Court.

What I have illustrated here is how the three branches of government can get involved in a convoluted conflict, and in that convoluted conflict, the tension between the three branches of government was designed to get sorted out so that we would be back to the Constitution, itself, and that the Constitution would rule. But when the Supreme Court effectively strikes three words out of the Fifth Amendment to our Constitution, then we have the Court's ruling without the will of the people, and the will of the people is

going to be reflected through, especially and first, the House of Representatives—the quick reaction strike force. There is a reason we all take the oath to uphold the Constitution. It is so we understand it, and we define it. We take our oath seriously, and we defend it.

In the other two parts of that, when you had an executive branch that initiated a policy—protected streams—that wasn't the initiative of the legislature, then you have a superlegislature outside the purview of the legislative body. My detractors will turn around and say: But any rule that is passed can be nullified by the United States Congress. So why do you worry about that? Why don't you just do your job in Congress and nullify the rules if you don't like them? Mr. Speaker, it works a little bit differently than that, of course, especially when you have a President of the United States who will veto that legislation that would be nullifying the rule; so we are back into the circle again.

If the President initiates a rule without regard to whether there is a court ruling on that rule, the legislature then would be obligated to nullify the rule. The difficulty of that is it takes a supermajority here then to undo something that appointed—but not elected—executive branch officials have initiated often without the knowledge of the President of the United States, himself. That is an upside-down way to get things done.

It is supposed to be and is designed to be the will of the people—the voice of the people—of the United States. They initiate the policy. They send that policy up through Congress. Congress is to bring it before our committees. It evaluates the various ideas, competes, and debates those ideas. It votes them through the various subcommittees and committees after having hearings so that the public can see what is going on—all out in the open, all out in the sunlight. We bring it here to the floor of the Congress and vote on it; and if the Senate agrees, it becomes law. There was not designed to be a superlegislature within the executive branch; but, Mr. Speaker, that is what we have today. We have thousands and thousands of pages of regulations that are initiated by a robust executive branch of government.

I expect that, in the duration of this administration, as we have heard from the President of the United States, he intends to make his days count as we count down to the end of his Presidency. I take him at his word. He has had a robust approach to stretching the limits of the executive branch of government throughout all of his time in office. Now he is sitting in a place where he has the appropriations he needs for the functioning of the Federal Government all the way up until September 30. By September 30, this Congress is going to be in a place where they are seeing the last weeks of a Presidential campaign play themselves out in October and then in early November. So we are probably right at 5 weeks. Let's see. Five weeks from the end of the fiscal year will be the vote for the Presidency, and absentee balloting will be taking place at the same time.

The President of the United States has all of the levers that he needs, he has got all of the tools that he needs, and he has got the funding that he needs. He also has the robust idea that the executive branch of government should be stronger, not weaker, and that it should do more, not less. If we wonder about that, Mr. Speaker, we can look around at some of the President's actions and those of the executive branch of government that I take great issue with. Many of them are tied up in the development, in the implementation, of ObamaCare.

ObamaCare, itself, Mr. Speaker, was legislation that was passed by hook, by crook, by legislative shenanigan. March 22, 2010, was the final passage, and it was a sad day for America because the will of the people was not reflected in this Congress that day. It was a dramatic time to be here. Those who will argue will say: Oh, the House passed this legislation, and the Senate passed this legislation, and it actually was a function of the legislative body. I repeat again—hook, crook, legislative shenanigan. It is not only I who says that, Mr. Speaker. There have been Democrats who have voiced the same thing, but there are far fewer of them these days as a result of force-feeding ObamaCare to the United States Congress.

As the President began implementing ObamaCare, he began changing the law. He made some changes along the way. For example, the employer mandate was delayed. The individual mandate was delayed. Some of it was litigated over to the Supreme Court. Some of these changes were not. He decided which components of the law he wanted to ignore and which ones he wanted to enforce. He took an oath, though, to take care that the laws be faithfully executed. That is all of them. That is not part of them. Yet, as we went through ObamaCare time after time after time, there were changes made along the way in the implementation and enforcement of ObamaCare, and that brought about a great deal of confusion in this country, and it upset a lot of people. It disadvantaged a lot of people, and it advantaged some people.

He granted waiver after waiver for his favorite groups and entities that were, I will say, people who were typically considered to be his supporters. I didn't see much relief for the people who were typically not considered to be his supporters, such as the Little Sisters of the Poor, for example. They are in the business of having to litigate their religious freedom versus an imposition of the Federal Government's that, under all of their health insurance policies, they are now commanded to fund contraceptives, which violates their religious freedom. By the way, it violates my religious convictions as well. So we have a very robust President who has laid out a whole series of demands not only through ObamaCare legislation, but also we have seen this happen with immigration.

The President has said publicly 22 times ''I don't have the constitutional authority to do what you want me to do'' when he has been talking to illegal immigrants who are in America and are pressing this government to change the policy to accommodate them in the form of amnesty, which I have described on this floor many times, Mr. Speaker. The President said 22 times: ''I don't have the constitutional authority to do this.''

After he was well vented in his position of explaining the Constitution right out here at a high school in Washington, D.C., the President answered a question from one of the students at the high school. He said, ''I used to teach the Constitution,'' which he did for 10 years as an adjunct professor at the University of Chicago. He taught constitutional law. He said that the job of Congress is to write the laws, that the job of the President and of the executive branch is to enforce the laws, and that the job of the judicial branch of government is to interpret the laws.

I would bring this back to Chief Justice Roberts, who said clearly in his confirmation hearing some years ago that his job as a Justice is to call the balls and strikes. I agreed with that, and it was very encouraging to hear that, and I certainly supported his confirmation. Yet I see that on June 24 of last year—that would be a Thursday—in the opinion on ObamaCare that was written by Chief Justice Roberts, in a narrow majority opinion where Chief Justice Roberts joined with four other Justices, they decided they could write words into ObamaCare, itself. ''Or Federal Government'' would be the three words. Maybe the three words they took out of the Fifth Amendment, ''for public use,'' they get to put in a bank somewhere, and when they need to add some words into law, they can just borrow them from that little word bank. If they strike them out of the Constitution, maybe the three words would be left in the word bank, and the Supreme Court could then pull three words out by choice and say, ''or Federal Government.''

Now ObamaCare reads, ''an exchange established by the State''—insert ''or Federal Government.'' Now, that is what happened as to that decision on ObamaCare on June 24, Thursday, the following day. The Supreme Court announced that they had created a new command in the Constitution. It is not just a new right. Remember, I said the Justices of the Supreme Court should be the last people on the planet to amend the Constitution or to discover any new language in it. They are to call the balls and strikes. That is what I agree with, and that is part of my oath, to defend the Constitution in

that fashion. The Supreme Court, instead, inserted those words into ObamaCare, ''or Federal Government.''

The following day, they created a command that says not just that there is a new right to same-sex marriage, Mr. Speaker, but that there is a command that, if the States are to conduct or to honor civil marriage, they shall conduct and honor also same-sex marriages without regard to the convictions of their people, who no longer enjoy the 10th Amendment authority to establish that policy on marriage within the States. The Federal Government took that onto themselves, and they issued not just a right to same-sex marriage but a command that everyone, especially the States and the political subdivisions thereof, shall honor same-sex marriage. That is a breathtaking overreach of the Supreme Court. It would be worse than the worst nightmare that any of our Founding Fathers ever would have had with regard to the limitations of this government.

So we are sitting here today with a Federal Government that has been distorted beyond what would be the belief of our Founding Fathers, and they had their share of fears. This Congress needs to reassert itself. It needs to reestablish its constitutional authority. It needs to take a good, hard look at the article I authority that is vested to it in the Constitution, itself, and recognize that all legislative powers exist here in the House and in the Senate. The overreach of the executive branch takes place sometimes because Congress wanted to take the heat off of us, and we gave that responsibility over to the executive branch of government. Sometimes the President decides he wants to do things outside the bounds of his constitutional authority. Sometimes it is a mix of the two, and sometimes it is the President who enjoys the majority support of his party in the House and/or in the Senate. It is more likely that in this Congress that the Members of his party will accept an overreach of a President of their own party than they will an overreach of a President of the opposite party.

□ 1900

It is also true, Mr. Speaker, that we have different views on what is executive overreach and what the Constitution says.

In fact, in some of the debate today, I said that the Constitution has to mean what it says. The very literal words that are in the Constitution have to mean what they say and they have to mean to all of us what they were understood to mean at the time of ratification of the base document of the Constitution and, also, of the various amendments as we move along through the amendments in the Constitution.

We need to have enough history to understand what those amendments and what the Constitution meant to the people that ratified it, and then we need to recognize that the Constitution itself is an intergenerational guarantee, an intergenerational document signed off on by our Founding Fathers with their hand and agreed to in an oath to that Constitution by millions of Americans over time.

Many of them pledged their lives, their fortunes, and their sacred honor to preserve, support, and defend the Constitution of the United States.

It is a document that is fixed into the letter of the words that are there in the Constitution and the understanding of those words, not living and breathing, but an intergenerational contractual guarantee from our Founding Fathers down to our descendants, as far as they shall go to the end of the Republic, should it ever end. I pray it does never end as long as this Earth exists.

So the multiple generational great-, great-, great- —many times great-grandfathers all the way to the Founding Fathers said: Here is a contract, and I am going to pass this contract on to the next generation. The next generation has to preserve, protect, and defend it and then pass it to the next generation and the next generation and the next generation.

As Ronald Reagan said, freedom is not something that you inherited. It is something that has to be preserved and fought for each generation and defended each generation. So if we lose the understanding of what the Constitution means, we also have lost our Constitution itself, Mr. Speaker.

This task that we have is to preserve this language: ''All legislative powers herein granted shall be vested in a Congress of the United States.'' It is simple, pure, beautiful, worth preserving, protecting, fighting for, bleeding for and, if need be, dying for.

That is why our honorable and noble military men and women take an oath to support this Constitution, because it is worth defending. They are not defending the President of the United States specifically. They are defending this Constitution when they go into battle.

We need to defend it here in the House of Representatives. We have a task force now to address the executive overreach and will be defining the unconstitutional overreach. I am willing to accept the President's definition on the constitutional limitations with regard to immigration.

When the President said he doesn't have the authority to establish and pass amnesty legislation, I agree with him. It is an enumerated power here in this Constitution that is preserved for the Congress to establish a uniform naturalization, and that has been defined by the courts to mean the immigration policies of the United States.

If we get this right, we will have a Congress that is empowered more, but also an empowered Congress that is more accountable to we, the people.

As Congress steps up and says let's claw that executive overreach power back into the House of Representatives and back into the United States Senate, what we are really saying, Mr. Speaker, is let's claw that executive overreach power and authority back here and hand it back to we, the people.

Now, let's go back and turn our ear to we, the people, so that this republican form of government that is guaranteed to us in this Constitution can gather the best ideas from all across this land and bring those ideas here to Washington, D.C., where the ideas compete with each other. The best ideas float to the top like the cream rises to the top, and the public can look in and they can weigh in.

Additionally, Mr. Speaker, we need more oversight into the executive branch of government. I have drafted and introduced legislation that addresses some of this in a way, I will put out here, to perhaps be a little provocative to start some ideas. Then the competition of ideas, the best ones, as I said, need to float to the top.

That would be legislation that does this: It requires of this mountain and myriad of regulations that we have that go on in perpetuity, that can't be practically reduced or shrunk down or nullified by this Congress—as long as the President is willing to veto a nullification bill and push it back at us, the legislation that I am proposing that sunsets all of the regulations over a period of 10 years sunsets any new regulation at the end of 10 years and it requires Congress to have an affirmative vote before any regulation can have a force and effect of law.

We have passed out of the floor of the House here once, perhaps more than that, what we call the REINS Act. This comes from a retired Member of Congress, a friend, a former ranger, Jeff Davis of Kentucky, who initiated the legislation that there would be a requirement of an affirmative vote of Congress before a regulation that had more than $100 million of impact on our economy could take effect.

That addresses this. It addresses this going forward with new regulation. It doesn't go backward to other regulations. All of the old regulations are essentially de facto grandfathered by the REINS Act.

The legislation that I had put together before he introduced the REINS Act was more detailed. This legislation is called the Sunset Act. It sunsets all regulations, but it sunsets them in increments of 10 percent of the regulations from each department each year for 10 years.

The departments have to offer up their regulations. They can sort which ones they want to expose to Congress for a vote over a period of 10 years. But over 10 years, they have to offer up their regulations here to Congress.

Congress then evaluates those regulations. Any Member of Congress can come in and offer an amendment to those regulations, maybe an amendment to strike, maybe an amendment to add.

Maybe there are people in this Congress that want more regulations, not less, and they would like to write them into law and affirmatively vote them in.

Well, Mr. Speaker, that idea of sunsetting all regulations—10 percent a year for 10 years incrementally—is coupled with the idea of sunsetting any new regulation, also, at the end of 10 years and requiring an affirmative vote on any regulation before all new regulations of any kind.

Doing so then restrains the executive branch of government and makes the legislative branch of government responsible to the people.

Our regulators that are writing these rules will know that, if they write a rule that is egregious to the people, the people that have not been heard from the executive branch of government, when they go into the office of, say, the EPA and they press their case to Gina McCarthy, for example, and her people, they don't have a motive to listen because they are insulated from the accountability to the people.

If they knew that those same individuals that are aggrieved by the proposed regulation can come to visit their Member of Congress and press their demand on their Member of Congress, they have to know that that Member of Congress will come forward, come down here to the floor of the House of Representatives and offer an amendment to strike those regulations or amend those regulations so that it is acceptable to we, the people. That is a vision to restrain an overgrowth of the executive branch of government, Mr. Speaker.

I advocate that as one of the things to consider, but neither do I think that I have all the good ideas. There are 435 Members of the House of Representatives and 100 Members of the Senate. There are good ideas that come into every one of our offices from the 750,000 or so people that each of us represent.

With the ideas that come from the public, if we sort them in the fashion envisioned by our Founding Fathers, if we limit the overgrowth of the executive branch of government, we take the responsibility back to us, it will press on us, Mr. Speaker, the kind of changes that are good for the people in this Republic, that are good for the responsibilities of the Members of the House and of the Senate. We can take America, and we can take America onwards and upwards to the next level of our ascending destiny.

Mr. Speaker, I appreciate your indulgence and your attention.

I yield back the balance of my time.

SAVE CHRISTIANS FROM GENOCIDE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I rise to call my colleagues' attention and the attention of the public to the legislation I have proposed.

The bill number is H.R. 4017. This act is the Save Christians from Genocide Act. I would ask my colleagues to consider cosponsoring this legislation. A number have already done so.

I would ask the public to make sure that they know that their Congressperson knows exactly what is going on with H.R. 4017 and that they would hope that their Member of Congress would also be a cosponsor of the bill.

By calling your Congressman's office, I am sure the Members of Congress will be very happy to hear your opinion. Many Members of this body need to know that their constituents support the Save Christians from Genocide Act, H.R. 4017.

What this legislation does is set a priority for immigration and refugee status for those Christians who are now under attack, targeted for genocide in Syria, Iran, Iraq, Libya, and Pakistan.

Genocide is taking place. Mass murder is happening. Christians have been targeted for slaughter and elimination by radical Islamic terrorists in the Middle East. We have to acknowledge that or millions—not just hundreds of thousands—of Christian brethren will die.

Another group, the Yazidis, have also been similarly targeted, and my bill covers those people as well, although they are not Christians.

The greatest threat to our country today is radical Islamic terrorism. So it should not be a difficult decision on the part of our President or the people or the public or this body to decide that we are going to do what we can to save Christians who have been targeted for slaughter by those very same forces who are now the greatest threat to our own security. However, what we have is not just a foot dragging, but a negative response from this administration.

Our President has been unable to defeat or even to turn back the onslaught of radical Islamic terrorism. Yes. I have to admit this President was dealt a pretty bad hand. Things were not good when he took over in the Middle East.

I think the mistake the United States made—it is clear that, when we sent our troops into Iraq, we did indeed break a stability that has caused us problems. It was a bad situation at that time when our President became President.

Well, this President has turned a bad situation into a catastrophe. We have almost lost—and with our President's policies, we would have lost—Egypt to radical Islamic terrorism.

Our President supported the Muslim Brotherhood leader of Egypt, a man named Mohamed Morsi, who was at that time President of Egypt during the early years of this administration.

President Obama went all the way to Egypt in order to give a speech, standing beside President Morsi to the Muslim people of that region.

What it was was basically an acceptance of the Muslim Brotherhood, which people now know is the philosophical godfather to all of the radical Islamic terrorist movements that now slaughter Christians and threaten the peace and stability of the world.

Our President encouraged them in the beginning, feeling, if we did, again, treat someone nicely, they will respect you.

What happened? Moderate regimes and, yes, regimes in the Middle East that were not democratic, were less than free, have been replaced with radical Islamists who mean to destroy the Middle East and turn it into a caliphate, radical Islamic terrorists who conduct terrorist raids into Western countries, radical Islamic terrorists who murder people in Turkey, in Russia, in San Bernardino.

This is what has happened since this President took over and reached out with the hand of friendship and understanding to those who would become the radical Islamic terrorists of that region and, I might say, a threat to the entire world, including the people of every city in the United States.

□ 1915

Had Egypt been left the way that the President wanted it to be, had we instead not supported the effort by the Egyptian people to rid themselves of Morsi and his government at the time when Morsi was trying to destroy their supreme court and their court system, at a time when Morsi was trying to establish a caliphate that is totally rejected by the Egyptian people, had our President been able to support General el-Sisi, perhaps the revolution could have happened peacefully. But, instead, Morsi was removed by General el-Sisi when he tried to betray the Egyptian people.

Today General el-Sisi now has been elected by a landslide in Egypt. And General el-Sisi—now President el-Sisi—has done everything he can to try to find a way to reconcile between Islam and the other faiths, of not only the region but the world.

President el-Sisi is the only leader, the only President of Egypt ever to go to a Coptic Christian church and help them celebrate Christmas. This was an incredible act on his part. He also went to the Muslim clerics and personally pleaded with the leadership of the Muslim faith in Egypt and in that part of the world, pleaded for a rejection of the radicalism and pleaded for a rejection of those people who would commit acts of violence on others and try to repress the freedom of religion of other people.

President el-Sisi begged and pleaded for the Egyptian clerics, the Muslim clerics to come out strongly for respect of other people's faiths, respect of freedom of religion and tolerance toward others. When have we ever had a leader like that? Our President resented him because he overthrew a man who was in the Muslim Brotherhood who was trying to lay the foundation for a caliphate of terrorists who would have

tried to attack the entire Western world.

So what did General el-Sisi get for being this courageous person? What did General el-Sisi get from us, from our President because he now basically saved Egypt, but not only Egypt—because had Egypt become a radical terrorist state—the entire Middle East would have fallen. It would have been totally out of control. And General el-Sisi stepped up.

What did he get from our President because of that? He got a feeling that our President really didn't like him. He got the feeling, not only the feeling, but he got rejection on those requests that he made for support from the United States, legitimate requests of how he could have weapons systems that would help him defeat the same radical Islamic terrorists that are murdering our own people and conducting murderous terrorist acts throughout the world.

At that time, I might add, they were also conducting mass murders of Christians and of other people of other faiths in the Middle East, burning people to death, taking people out and sawing their heads off and doing this in a very public way, capturing young women, raping them en masse because they are Christians or some other faith than Islam.

Yes, we needed to confront that at that time. But, instead, when General el-Sisi needed help, what did he get? I went to Egypt several years ago, and General el-Sisi pleaded: We have F–16s that we need to combat this threat. We need spare parts for our tanks. He pleaded with us: We need these things or we can't police the desert areas on both sides of Egypt where these radicals are beginning to try to establish some kind of an uprising and some kind of a conflict that is hard to get at. So they need helicopters, they need the spare parts for their tanks, and they need their F–16, airplanes as well.

So I came back and I put together, along with several of my other colleagues, the Egyptian Caucus. The Egyptian Caucus is nothing more than a group of probably 20 of us who are trying to do our best to see that the radical Islamists do not take over Egypt and that General el-Sisi is successful in reaching out to the moderate Muslims and trying to create goodwill between people of faith who are people of goodwill and should be working together and rejecting the radical terrorists that now threaten the whole world and threaten the region.

So we are trying to help el-Sisi. He is the point man. I came back a year later, and I talked to General el-Sisi. Well, did you get your spare parts? Well, did you get the F–16s yet? No. Did you get spare parts for the tanks you mentioned? No. Well, did you get those Apache helicopters? He said: Yeah, we got the Apache helicopters, but the defensive systems needed to send Apache helicopters into a combat zone were not included, so we can't use them.

Now, what I just described to you is not something that just happened by bureaucratic happenstance or somebody forgot to send the paperwork out. This was the policy of the Obama administration. I have worked in the White House and seen how these games are played. They are looking at el-Sisi as an enemy, and they are trying to play games with him, making sure his helicopters didn't have the equipment needed to do their job, and that the F–16s didn't come and the spare parts didn't come.

Finally—after 2 years, I might add—I went back a year later, and finally they had arrived, after we had raised hell in this body and the American people had their say that people like el-Sisi and other moderate people, like Abdullah in Jordan and people like that who are moderate in their religious beliefs. They are moderate people, and they believe in giving people of other faiths respect and tolerance. These are the type of leaders we should be siding with.

I might add that General el-Sisi has worked with Israel. He has gone out of his way to make sure there isn't war between Israel and Egypt. What could be better than a man who is reaching out, asking for tolerance among all faiths, a man who reaches out to a country where they have been at war before and is trying to say: We will never be at war again, we will work together to build a better world. That is what he is doing. But that is what our President is trying to undermine.

Our President basically has been unable to use the words ''radical Islamic terrorism.'' We keep saying that. That is why right after the Benghazi fiasco, that is why immediately when they started talking about: Oh, these weren't really terrorists who murdered our Ambassador, it was all caused by a movie that had been shown, and it just enraged these Muslim people and a demonstration got out of hand, and that is when they went in and murdered our Ambassador. Do you remember that?

I remember hearing it four or five times. The very first time that I heard it, I said: That is a lie. Everybody who knew what was going on, that is what struck them, our government was lying to us in order to protect what? And, I might add, our Secretary of State then, Hillary Clinton, when she was confronted with that lie—and finally by the time we confronted her with it, it was clearly a lie—she said: Well, what difference does it make whether it was a radical terrorist group or whether it was some people who were demonstrating against a movie? What difference does it make?

I will tell you what difference it makes. The difference it makes is that you are sending a message to radicals who murdered our Ambassador that they have gotten away with it, and we are going to wink and nod and let them get away with it. We are not going to challenge them. We are not going after the terrorist murderers. We are not even giving them credit or making them accountable for it. We are going to blame it on somebody else so the American people won't get mad and insist that we do something against it.

So, yeah, that was what the administration was trying to tell us. This is the same administration, as I say, that can't get itself to help General el-Sisi, who has saved us from the horror story of having Egypt turned into a radical Islamic terrorist camp. And now we can't even tell the American people that their Ambassador has been murdered by radical Islamic terrorists.

In fact, those words, ''radical Islamic terrorists'' have not been uttered. I would challenge the President tonight, not including this in a list of long things, but just get up and say one sentence specifically about ''I reject radical Islamic terrorism, and the radical Islamic terrorists of the world have to know that.'' We haven't heard that from him. We haven't heard that from him at all. Give me the quote.

By the way, I think he did use the phrase in passing saying Christian terrorists and radical Islamic terrorists and blah-blah. No, that is not it. Let's have a condemnation of radical Islamic terrorism. But, no, we haven't been able to do that.

That same President, then, at a time when the situation is spiraling out of control because these terrorists are flooding the Middle East and various countries—whether it is Syria, Iraq, and those parts—this area is becoming so unstable that if we do not do something to save the people there who are under attack in two ways, number one, those people who are there, like the Kurds, like the Sunnis in the Anbar Province who are anti-ISIL, like General el-Sisi and Abdullah of Jordan, we have to make sure we help them. That is the first thing we have to do.

But the second thing we have to do is make sure we do what is morally right when it comes to those people who have been targeted to be slaughtered. We are talking about a genocide that is existing. We know that the Christian communities have been targeted for extinction by a mass slaughter being conducted by radical Islamic terrorists. Those people who have been targeted deserve to come to the United States.

Number one, our government needs to help those who are fighting ISIL. Number two, our government needs to make sure that those people who are targeted for genocide can find safe haven here instead of bringing healthy, young Muslim men from that area and letting them come into the United States, letting them flood into Europe rather than those people, those Christians who are being targeted.

I went up to Munich and took a look at one of these refugee camps. We all have seen this, video after video of young, healthy Muslim men by the hundreds of thousands pouring in to Western Europe. We don't know how many of them are terrorists. But here

is the point. If those young men don't like radical Islam and this terrorism, they should be back in their home country fighting it.

If they do like radical Islam, they certainly shouldn't be permitted into the Western democracies. The same is true in the United States. We should not be permitting—and our President has been, I would say, not doing the job that we have been expecting him to do to protect our interests when it comes to the people who are flooding into our country, whether they are radical Islamic terrorists or whether they are just people coming in from the Middle East who we haven't checked out yet enough. And, of course, we have hundreds of thousands, and, yes, millions of people who have come here illegally—we don't even know who they are—who have swarmed across the border.

This President talks about amnesty, talks about giving children who have come here illegally free education and health care, the DREAM Act, et cetera. What do you think this does? This encourages hundreds of thousands or millions of people to come here.

The trouble is, when there is a flood, we don't know if in that group of hundreds of thousands and millions of people in the last few years, how many of them have been terrorists. Do you really believe that our enemies, that these people who slaughter innocent people, these people who are rampaging through the Middle East, raping thousands of young girls because they are Christians, you think that they would care about lying to come here and they would refrain from coming here because they would have to cross the border and break the law? We don't know how many of them are here, but they are here. It is the President of the United States who is at fault.

We should have had a system of coming into our country a long time ago that handled refugees and handled people with legitimate immigration status, and everyone that would come here from the Middle East should have been vetted that way.

I was briefed, along with my colleagues, on the vetting process. Top level people in this government admit that they have not been able to really verify the things that the people claim is their background.

I would suggest and I would insist, there is legislation here as well that is pending that I am a cosponsor of that insists on a lie detector test for everybody that comes here, at least from that region.

□ 1930

We could ask them five questions, like: Have you ever advocated violence for your religion? Do you believe in sharia law or the Constitution? That is all we have to do, just take an extra 5 minutes. We haven't even done that.

We have millions of people here. Maybe 10,000 of them have animosity toward us or are here to try to shoot people like they did in San Bernardino, right in our own area. Innocent people were just slaughtered.

I went to Paris. These kids were in a dance club and these guys came in and just massacred them. They kept shooting at them for minutes at a time. They loaded their guns again.

This is what we are up against. It is evil. And this administration, this President can't use the words ''radical Islamic terrorists.''

Well, I ask my colleagues today to please join me in cosponsoring my legislation, H.R. 4017. It does this. At the very least, we can try to save those Christians in Yazidi cities that have been targeted for genocide.

And how we do it is this. You have a certain number of those on refugee status, a certain number on immigration status coming from these five countries that I mentioned in the Middle East. These are the areas where the Christians are the most under attack. What my bill simply says is that Christians and these Yazidis who have also been targeted for genocide are going to get priority. They deserve to be on the top of the list. They deserve priority long before these healthy, young Muslim men who want to come here. And then we will let them in. We will, of course, vet them, make sure we know who they are, and they will get the priority.

Now, the President made a statement—he didn't use the number of my bill, but he talked about it—and said: Well, we don't believe in that. That is discriminating because of religion. It is a religious test. We don't do religious tests in America.

Are you kidding? We cannot prioritize what we do to make sure that what we are doing is helping the person who is most in danger? Is a lifeguard in some way showing disrespect in not helping those other people in the water by going out and saving someone who is drowning?

This isn't discrimination. This is a prioritization of the people who are under attack and will be slaughtered. This intellectualism will result in what, if we accept the President and this administration saying, ''Oh, you can't prioritize for Christians''?

By the way, he doesn't seem to have any trouble prioritizing for anybody else, but it is very clear that he won't let us prioritize for Christians who are targeted for genocide. No, I reject that totally. It is not racism.

We had another incident like this in our history. In 1939, there was at least one boatload of Jews that made it to the United States. They prayed and pleaded with us to let them in. At that moment, Nazi Germany was in the process of picking up the Jews and putting them in concentration camps.

These people got away with their families and they came here. And what did we do? We turned them back. We turned them back for the same reason. Oh, if we let you in, it is a special favor to you. These people were targeted for genocide, and we let them go back. Many of them died in these Nazi concentration camps. Let's not do that again.

I would ask my colleagues to join me in cosponsoring my bill, H.R. 4017, the Save Christians from Genocide Act. Join me and we will send a message to the world that, yes, we are still the same good-hearted people that we have always claimed to be but have not always met that standard.

Today we deserve to stand up and be the champion of the type of values that I am talking about. That is what our Founding Fathers had in mind. America was the refuge of the world. America was the shining city on the hill that inspired the whole world. But we weren't cowards. We weren't someone who undermined some person in his country who is fighting an evil force like General el-Sisi. No, our Founding Fathers made sure that those people who are struggling for a better world had our support.

By the way, let me just note that I worked on speeches for Ronald Reagan. I was Reagan's speechwriter for 7 years in the White House. I was actually researching one of his speeches, and I came across the fact that a man named Kossuth, from Hungary, came to the United States and was pleading for help for the Hungarian people who were then in an uprising against the Austro-Hungarian Empire and were fighting for their freedom. He was there in the Midwest giving speeches and trying to get the American people to support him. I read a couple of his speeches.

Then I noted that in Springfield, Illinois, right after his speech, the town liked him. He was a freedom fighter. But they passed a resolution at their meeting that said the United States is a noninterventionist power and we should not get involved overseas, something like that.

Kossuth was still in town. He read the newspaper account of it. And when the word got out that he was so in despair that the people of the United States would say such a thing and side with the oppressor through their inaction, when the people heard about this, they called a second meeting.

In the second meeting, they passed a resolution saying that while we don't want to send our military forces all over the world—which is still a good idea—we will support those people who are struggling for freedom throughout the world. We will open up our arsenals. We will give them what they need to defeat the forces of tyranny that oppress them. That second resolution, then, was passed and was signed by the people of Springfield, Illinois; and in the last phases, I might add, one of the people who signed that document was one A. Lincoln.

I will tell you this about that speech of Mr. Kossuth. That speech ended with:

> And we do this and we make this commitment so that government of the people, by the people, and for the people shall not perish from this Earth.

Lincoln was there in that room when that speech was given, and he later united the people of the United States with that thought from that man, that freedom fighter overseas.

There are people who are struggling for their freedom. There are people who are struggling for their existence. We do not have to send American military boys to fight the fight that they should be fighting for themselves. But at the very least, we must give them the support they need to defeat the evil forces in the world that would slaughter them, slaughter their families, and come after us next.

That is what the war with radical Islam terrorism is all about. They are at war with us, and they mean to kill our families and they mean to push Western civilization out of the history books of the world in the future. They want it to be a radical Islamic world, and they will kill all of us to get it.

Now, that is not all of the Muslims. I agree with our President that we should not say all Muslims are this way. After all, General el-Sisi is a Muslim; Abdullah of Jordan is a Muslim.

The people that we need on our side to defeat radical Islam are the moderate Muslims of the world. I think at least 80 percent of the Muslims of the world are moderate and would want to be our friends. We need now to recognize that that segment of Islam is now a threat to our safety, our well-being.

This is an historic moment. We can either meet this challenge or we will lose. But the most important thing, no matter what we do, if our President doesn't want to send troops there, fine, but at least let us ensure that history will record that we saved those Christians who were targeted for the genocide of this evil force that was expanding in that part of the world. Shame on us if we do not.

I ask my colleagues to join me in support of H.R. 4017. I ask the people of the United States to let their Congressmen know that they expect them to support honorable and noble and moral stands like this. It is not discrimination. It is prioritizing towards those people who have been targeted for genocide. Nothing could be better for our soul than to help those who have been so targeted.

I ask that my colleagues to join me in supporting this legislation.

Mr. Speaker, I yield back the balance of my time.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2306. An act to require the Secretary of the Army, acting through the Chief of Engineers, to undertake re-mediation oversight of the West Lake Landfill located in Bridgeton, Missouri; to the Committee on Energy and Commerce; in addition, to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 515. An act to protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

H.R. 4188. An act to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2152. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 4, 2016, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 3, 2016.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 304(b)(3) of the Congressional Accountability Act (''CAA''), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Compliance (''Board'') has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Notice be published in the House version of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

All inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, SE, Washington, DC 20540; (202) 724–9250.

Sincerely,

BARBARA L. CAMENS,
Chair of the Board of Directors, Office of Compliance.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Regulations Extending Rights and Protections Under the Americans with Disabilities Act ("ADA") Relating to Public Services and Accommodations, Notice of Adoption of Regulations and Submission for Approval as Required by 2 U.S.C. §1331, the Congressional Accountability Act of 1995, as Amended ("CAA").

Summary:

The Congressional Accountability Act of 1995, PL 104–1 (''CAA''), was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of thirteen federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 210 of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA'') shall apply to legislative branch entities covered by the CAA. The above provisions of section 210 became effective on January 1, 1997. 2 U.S.C. §1331(h).

The Board of Directors, Office of Compliance, after considering comments to its Notice of Proposed Rulemaking (''NPRM'') published on September 9, 2014 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 210 of the CAA.

For further information contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street SE, Washington, D.C. 20540–1999. Telephone: (202) 724–9250.

Supplementary Information:

Background and Summary

Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA'') shall apply to specified legislative branch offices. 2 U.S.C. §1331(b). Title II of the ADA prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any ''public entity.'' Section 210(b)(2) of the CAA defines the term ''public entity'' for Title II purposes as any of the listed legislative branch offices that provide public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards.

Section 210(e) of the CAA requires the Board of Directors of the Office of Compliance to issue regulations implementing Section 210. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations ''shall be

the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' *Id.* Section 210(e) further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation. 2 U.S.C. §1331(e)(3). On September 9, 2014, the Board published in the Congressional Record a NPRM, 160 Cong. Rec. H7363 & 160 Cong. Rec. S5437 (daily ed., Sept. 9, 2014). In response to the NPRM, the Board received four sets of written comments. After due consideration of the comments received in response to the proposed regulations, the Board has adopted and is submitting these final regulations for approval by Congress.

Summary of Comments and Board's Adopted Rules

A. Request for additional rulemaking proceedings.

One commenter requested that the Board withdraw its proposed regulations and ''create'' new regulations. The commenter suggested that the Board's authority to adopt regulations does not include the authority to incorporate existing regulations by reference and also suggested that the Board would be adopting future changes to the incorporated regulations unless it specified that the regulations in existence on the adoption date were the ones being incorporated rather than the regulations in existence on the issuance date (which was proposed in the NPRM and occurs after Congress has approved the regulations). The Board has determined that further rulemaking proceedings are not required because the publication requirements of Section 304(b)(1) of the CAA, which requires compliance with 5 U.S.C. §553(b), is satisfied by incorporating ''material readily available to the class of persons affected'' by the proposed regulation. See, 5 U.S.C. §552(a)(1)(E). Nonetheless, in response to this comment, the Board has modified the proposed regulation to incorporate the regulations in existence on the adoption date rather than the issuance date. In addition, to further avoid any confusion, the adopted regulations require that the full text of the incorporated regulations be published on the Office of Compliance website.

B. General comments regarding proposed regulations.

1. Compliance with both Titles II and III of the ADA.

Several commenters questioned whether it was necessary to adopt regulations under both Title II and Title III when Title II typically applies only to public entities and Title III typically applies only to private entities. Section 210 of the CAA can be confusing because it requires legislative branch offices (which are ''public entities''') to comply with sections of the ADA that are part of both Title II and Title III. Ordinarily, as the commenters suggested, the major distinction between Title II and Title III of the ADA is that Title II solely applies to public entities while Title III solely applies to private entities that are considered public accommodations. In contrast, under the CAA, the legislative branch offices listed in Section 210(a) must comply with Sections 201 through 230 of Title II of the ADA *and* Sections 302, 303 and 309 of Title III of the ADA. 42 U.S.C. §1331(b)(1). For purposes of the application of Title II of the ADA, the term ''public entity'' means any of these legislative branch offices. 42 U.S.C. §1331(b)(2). For the purposes of Title III of the ADA, the CAA does not incorporate the definitions contained in Section 301 of Title III, which limits the application of Title III to private entities which own, operate, lease or lease to places of public accommodation. Consequently, since the CAA expressly applies Title III to legislative branch offices that are ''public entities,'' those offices must at all times provide services, programs and activities that are in compliance with Title II of the ADA and, when those services, programs, activities or accommodations are provided directly to the public (as in places of public accommodations), they must also comply with Sections 302, 303 and 309 of Title III of the ADA. In other words, services, programs and activities that involve constituents and other members of the public must comply with both Titles II and III of the ADA, while those services, programs and activities that are not open or available to the public must only comply with Title II (and Title I when employment practices are involved).

As noted in the NPRM, Congress applied provisions of both Title II and Title III of the ADA to legislative branch offices to ensure that individuals with disabilities are provided the most access to public services, programs, activities and accommodations provided by law. To that end, the NPRM proposed an admittedly simple rule for deciding which regulation applies when there are differences between the applicable Title II and Title III regulations: the regulation providing the most access shall be followed. In response to the concerns expressed by the commenters, the Board has further reviewed the Title II and III regulations and determined that, when the regulations address the same subject, compliance with the applicable Title II regulation will be sufficient to meet the requirements of both Title II and Title III. For this reason, and to eliminate the potential confusion expressed by the commenters, the Board has adopted only the DOJ's Title II regulation when the DOJ's Title II and Title III regulations address the same subject.

2. Providing services, programs, activities or accommodations directly to the public out of a leased space.

Several commenters raised questions regarding how the regulations would be applied when a legislative branch office is leasing space from a private landlord. Under the ADA regulations (both Title II and Title III), the space being leased, the building where it is located, the building site, the parking lots and the interior and exterior walkways are all considered to be ''facilities.'' If the facility is being used to meet with members of the public, under the CAA, the facility is a place of public accommodation operated by a public entity and therefore the office must meet the obligations imposed by those sections of Titles II and III of the ADA applied to legislative branch entities under the CAA. Because the private landlord is leasing a facility to a place of public accommodation, the private landlord will also have to comply with the DOJ's Title III regulations, subject to enforcement by the DOJ or by an individual with a disability through legal action. The private landlord is not covered by the CAA.

Under the DOJ regulations that are incorporated by the adopted regulations, the obligations imposed by Title II and Title III differ depending upon when the leased facility was constructed. Entities covered by either Title II or Title III of the ADA (or both) must have designed and constructed their facilities in strict compliance with the applicable ADA Standards for Accessible Design (ADA Standards) if they were constructed after January 26, 1992. This means that both landlords and tenants are legally obligated to remove all barriers to access in such leased facilities caused by noncompliance with the applicable ADA Standards. Alterations made after January 26, 1992 to facilities constructed before January 26, 1992 must also be in compliance with the ADA Standards to the maximum extent feasible, and any alterations made to primary function areas after this date trigger a separate obligation to make the path of travel to those areas accessible to the extent that it can be made so without incurring disproportionate costs. If barriers to access exist in these alterations and in the path of travel to altered primary function areas, both the landlord and the tenant are legally obligated to remove those barriers. The regulations allow consideration of the provisions of the lease to determine who is primarily responsible for performing the barrier removal work;[1] however, because the legal duty is jointly imposed upon both of the parties, legal liability for any violation cannot be avoided by a private contract.[2]

All entities covered by Title III of the ADA who are lessors or lessees of facilities that were both constructed after January 26, 1992, and not altered since that date, must remove access barriers if such removal is ''readily achievable.'' 42 U.S.C. §12182(b)(2)(A)(iv), 28 C.F.R. §36.304. The phrase ''readily achievable'' means ''easily accomplishable and able to be carried out without much difficulty or expense.'' 42 U.S.C. §12181(9); 28 C.F.R. §36.304(a). Examples of ''readily achievable'' steps for removal of barriers include: installing ramps; making curb cuts in sidewalks and entrances; repositioning shelves, furniture, vending machines, displays, and telephones; adding raised markings and elevator control buttons; installing visual alarms; widening doors; installing accessible door devices; rearranging toilet partitions to increase maneuvering space; raising toilet seats; and creating designated accessible parking spaces. 28 C.F.R. §36.304(b).

Because legislative branch offices are ''public entities'' that must always comply with Title II of the ADA, these offices must also operate each of their services, programs and activities so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. §35.150(a). While this requirement does not usually require a public entity to make each of its existing facilities accessible and usable by individuals with disabilities [28 C.F.R. §35.150(a)(1)], a public entity must ''give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate'' when choosing a method of providing readily accessible and usable services, programs and activities. While structural changes in existing facilities are not required when the public entity can show that other methods are effective in meeting this access requirement, when a public entity is renting solely one facility in a locality, the only practical method of providing accessibility is to make sure that this leased facility is readily accessible. When a legislative branch office has only one facility in a particular locality and uses that facility to conduct meetings with constituents, it can be difficult, if not impossible, for that office to show that each of its programs, services and activities meet the accessibility requirements of 28 C.F.R. §35.150 when that facility is not readily accessible. Constituents using wheelchairs who are unable to attend meetings at a local Congressional office because the facility is not readily accessible do not

find that each of the office's services, programs or activities, when viewed in its entirety, is readily accessible or usable by them. Offices are usually placed in a locality so that staff can meet personally with constituents who live nearby. Nearby constituents using wheelchairs who find that they cannot personally participate in such meetings upon reaching the facility are effectively being denied the access being provided to other constituents.

Because the adopted regulations adequately explain the rights and responsibilities of the parties involved in leasing facilities to public entities or public accommodations, the adopted regulations contain no changes based upon these comments.

3. Access requirements in rural and urban areas.

One commenter suggested that the Board should recognize that the access requirements in rural areas differ from those in urban areas and should therefore adopt regulations that recognize this distinction. The ADA is a civil rights statute and not a building code, although it is sometimes mistakenly viewed as one. While alterations and construction in rural areas may not be regulated by local building codes, under the ADA, the individuals with disabilities living in those areas are entitled to the same rights and protections as those living in urban areas. This means that public entities and public accommodations must comply with the same applicable ADA access requirements regardless of their location. For this reason, following the DOJ and DOT, the Board has not made any changes in the proposed regulations to reflect distinctions between rural and urban areas.

4. Accessibility requirements for leased facilities.

In the NPRM, the Board proposed adoption of an Access Board regulation based on 36 C.F.R. § 1190.34 (2004) which since July 23, 2004 has been incorporated into the Access Board's Architectural Barriers Act Accessibility Guidelines (''ABAAG''). This regulation provides that buildings and facilities leased with federal funds shall contain certain specified accessible features. Buildings or facilities leased for 12 months or less are not required to comply with the regulation as long as the lease cannot be extended or renewed.

The Access Board's leasing regulation implements a key provision of the Architectural Barriers Act (''ABA'') which Congress originally passed in 1968 and amended in 1976. The ABA was originally enacted ''to insure that all public buildings constructed in the future by or on behalf of the Federal Government or with loans or grants from the Federal Government are designed and constructed in such a way that they will be accessible to and usable by the physically handicapped.'' S.Rep. No. 538, 90th Cong., 1st Sess., reprinted in 1968 U.S. Code Cong. & Admin. News 3214, 3215. Prior to being amended in 1976, the ABA covered only leased facilities that were ''to be leased in whole or in part by the United States after [August 12, 1968], after construction or alteration in accordance with plans and specifications of the United States.'' Pub. L. No. 90–480 §1, 82 Stat. 718 (1968). In 1975, the GAO issued a report to Congress entitled Further Action Needed to Make All Buildings Accessible to the Physically Handicapped which found that ''leased buildings were consistently more inaccessible [than federally-owned buildings] and posed the most serious problems to the handicapped'' and further found that ''[s]ince the Government leases many existing buildings without substantial alteration, the [ABA's] coverage is incomplete to the extent that those buildings are excluded.'' Comptroller General, Further Action Needed to Make All Buildings Accessible to the Physically Handicapped (July 15, 1975) at 25, 28. In response to the GAO Report, Congress amended the ABA by deleting the phrase ''after construction or alteration in accordance with plans and specifications of the United States'' thereby providing coverage for all buildings and facilities ''to be leased in whole or in part by the United States after [January 1, 1977].'' The House Report accompanying the bill that became law described the purpose of the 1976 Amendments as being to ''assure more effective implementation of the congressional policy to eliminate architectural barriers to physically handicapped persons in most federally occupied or sponsored buildings.'' H.R. Rep. No. 1584—Part I, 94th Cong., 2d Sess. 1 (1976). The hearings on the bill also make it clear that Congress amended the ABA in 1976 to close the loophole through which inaccessible buildings and facilities were leased without alteration. See, Public Buildings Cooperative Use: Hearings on HR 15134 Before the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, 94th Cong., 2d Sess. 107 (1976) (statement of Representative Edgar).

Consequently, since 1976, a hallmark of federal policy regarding people with disabilities has been to require accessibility of buildings and facilities constructed or leased using federal funds. Although, in the CAA, Congress required legislative branch compliance with only the public access provisions of the ADA rather than the Rehabilitation Act of 1973 or the ABA, the ADA itself was enacted in 1990 to expand the access rights of individuals with disabilities beyond what was previously provided by the Rehabilitation Act and the ABA. One of the sections of the ADA that Congress incorporated into the CAA is Section 204. Section 204 requires that the regulations promulgated under the ADA with respect to existing facilities ''shall be consistent'' with the regulations promulgated by the DOJ in 28 C.F.R. Part 39. 42 U.S.C. §12134(b). Under 28 C.F.R. §39.150(b), a covered entity is required to meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended, and any regulations implementing it.

As several commenters noted, when the DOJ promulgated its ADA regulations in 1991, it stated in its guidelines that it had intentionally omitted a regulation that required public entities to lease only accessible facilities because to do so ''would significantly restrict the options of State and local governments in seeking leased space, which would be particularly burdensome in rural or sparsely populated areas.'' 29 C.F.R. Pt. 35, App. B §35.151. In these same guidelines, however, the DOJ also noted that, under the Access Board's regulations, the federal government may not lease facilities unless they meet the minimum accessibility requirements specified in 36 C.F.R. §1190.34 (2004) (and now in ABAAG §F202.6). This is true even if the facility is located in rural or sparsely populated areas. None of the commenters provided any specific examples of how complying with a regulation regarding leased facilities otherwise applicable to the federal government would be unduly burdensome. Since the supply of accessible facilities has increased during the past twenty-four years through alterations and new construction, the burdensomeness of this regulation is certainly much less than it was in 1991.

A commenter also noted that under the current House rules a Member may not use representational funds to obtain reimbursement for capital improvements and this might affect the removal of barriers in facilities that are inaccessible. However, the proposed regulation does not require that any Member specifically pay for capital improvements. Instead, prior to entering into a lease with a Member for a facility that is in need of alterations to meet the minimum accessibility requirements, the landlord is obligated to make the needed alterations as a condition of doing business with Congress. While it is likely that the landlord will recover some of the costs associated with these alterations by increasing the rent paid by federal tenants, Congress determined when it amended the ABA to provide coverage for all leased facilities that the increased cost associated with requiring the federal government to lease only accessible facilities would be minimal and well worth the benefit gained by improving accessibility to all federal facilities. H.R. Rep. No. 1584—Part II, 94th Cong., 2d Sess. 9, reprinted in 1976 U.S. Code Cong. & Admin. News 5566, 5571–72. In the NPRM, the Board noted that the most common ADA public access complaint received by the OOC General Counsel from constituents relates to the lack of ADA access to spaces being leased by legislative branch offices. Given the frequency of these complaints and the clear Congressional policy embodied in the ABA requiring leasing of only accessible spaces by the United States, the Board found good cause to propose adoption of the Access Board's regulation formerly known as 36 C.F.R. §1190.34 (2004) and now known as §F202.6 of the ABAAG and the ABAAS. Because, under CAA §210(e)(2), the OOC Board of Directors (''the Board'') is authorized to propose a regulation that does not follow the DOJ regulations when it determines ''for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section,'' the Board has decided to require the leasing of accessible spaces as required in §F202.6 of the ABAAS.

5. Regulations regarding the investigation and prosecution of charges of discrimination and regarding periodic inspections and reporting.

Several commenters suggested that the regulations in Part 2, regarding the investigation and prosecution of charges of discrimination, and in Part 3, regarding periodic inspections and reporting, describe powers of the General Counsel that are beyond what is provided in the CAA. These commenters suggested that, under the CAA, the General Counsel does not have the discretion to determine how to conduct investigations and inspections nor the authority to act upon ADA requests for inspection from persons who request anonymity or persons who do not identify themselves as disabled.

Section 210(d) of the CAA requires the General Counsel to accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Section 210 of the CAA by a covered entity. The CAA provides no details regarding how charges shall be investigated. Similarly, while Section 210(f) of the CAA requires that the General Counsel, on a regular basis, at least once each Congress, inspect the facilities of covered entities to ensure compliance with Section 210 of the CAA and submit a report to Congress containing the results of such periodic inspections, the statute provides no details regarding how the inspections are to be conducted.

''The power of an administrative agency to administer a congressionally created . . . program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress.'' *Morton* v. *Ruiz*, 415 U.S. 199, 231, 94

S.Ct. 1055, 1072, 39 L.Ed.2d 270 (1974) (cited with approval by *Chevron* v. *Nat'l Resources Defense Council*, 467 U.S. 837, 843, 104 S.Ct. 2778, 81 L.Ed.2d 694 (1984)). When Congress expressly leaves a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate the statute. *Id.* at 844.

The OOC General Counsel has been conducting ADA inspections since January 23, 1995, when the CAA authorized commencement of such inspections. The OOC General Counsel has been investigating charges of discrimination since January 1, 1997, the effective date of Section 210(d). Since the creation of the office, the General Counsel has endeavored to conduct these inspections and investigations in a manner that is not disruptive to the offices involved and has not received complaints or comments indicating that its ADA investigations or inspections have ever been disruptive. The regulations merely propose that the General Counsel conduct investigations and inspections in the manner that they have always been conducted.

Due to the lack of inspection resources, the General Counsel is unable to conduct ADA inspections of all facilities used by the covered entities at least once each Congress. The General Counsel is unable to inspect all of the facilities located in the Washington, D.C. area, much less all of the facilities used by the district and state offices that are also covered by Section 210 of the CAA. In light of the General Counsel's limited resources and the large number of facilities that are covered by the CAA, the General Counsel must prioritize its ADA inspections. The proposed regulations allow the General Counsel to continue its practice of giving priority to inspection of areas that have raised concerns from constituents. By allowing anyone to file a request for inspection and by allowing requestors to remain anonymous to the covered office (the requestor is required to provide his or her identity to the General Counsel), the General Counsel is better able to identify and examine potential access problems and then pass this information on to the covered offices who are in the best position to address these potential issues. The General Counsel has found that, without exception, covered offices have been very responsive to the access concerns raised by constituents through the request for inspection process and are usually appreciative of information concerning constituent access issues of which they might otherwise be unaware.

Under the proposed regulations, requests for inspection filed anonymously or by persons without disabilities are not considered ''charges of discrimination'' that could result in a formal complaint being filed by the General Counsel against the covered office. Unlike Section 215 of the CAA, relating to occupational safety and health (''OSH'') inspections and investigations, Section 210 of the CAA does not authorize the General Counsel to initiate enforcement proceedings unless a qualified individual with a disability has filed a charge of discrimination. But like Section 215, Section 210 of the CAA does authorize the General Counsel to inspect any facility and report its findings to the covered offices and to Congress. The proposed regulations merely recognize the General Counsel's long standing and common sense approach that concentrates limited inspection resources on the areas of most concern to constituents.

The other concern mentioned in the comments is that the proposed regulations define the General Counsel's investigatory authority in a manner that is broader than what Section 210 provides. Section 210 directs the General Counsel to investigate charges of discrimination without specifying how those investigations are to be conducted. To fill this gap, the proposed regulations allow the General Counsel to use modes of inquiry and investigation traditionally employed or useful to execute the investigatory authority provided by the statute which can include conducting inspections, interviewing witnesses, requesting documents and requiring answers to written questions. These methods of investigation are consistent with how other federal agencies investigate charges of discrimination. There is nothing in this proposed regulation that is contrary to the statutory language in Section 210. For this reason, the Board has not made any changes in the adopted regulations in response to these comments.

6. Request to create new regulations relating to safety and security.

One commenter suggested that the Board use these regulations to recognize the Capitol Police Board's statutory authority relating to safety and security and create new regulations defining this authority with respect to Section 210 of the CAA. In response, the Board does not find any statutory language in the CAA which would allow it to define the authority of the Capitol Police Board by regulation and therefore does not find good cause to modify the language of the DOJ or DOT regulations in the manner requested.

7. Comments to specific regulations.

a. Sec. 1.101—Purpose and Scope. One commenter suggested that, when describing how the CAA incorporates sections of Title II and III of the ADA, the regulation should use the language contained in the incorporated statutory sections. The Board has made this change in the adopted regulations. The same commenter suggested that mediation should be mentioned when describing the charge and complaint process. The Board has also made this change in the adopted regulations.

b. Sec. 1.102—Definitions. One commenter suggested that the incorporated definition of the ''Act'' should be reconciled with the definition of ''ADA'' provided in the proposed definitions. The Board has added ''or Americans with Disabilities Act'' after ''ADA'' in the definition section of the adopted regulations. This will clarify that references to the ''Americans with Disabilities Act'' or the ''Act'' will refer to only those sections of the ADA that are applied to the legislative branch by the CAA. One commenter suggested that there should be some discussion in this section regarding when a covered entity will be considered to be operating a ''place of public accommodation'' within the meaning of Title III. The Board has provided additional guidance on this topic in this Notice of Adoption and has added a provision in the adopted regulations providing that the regulations shall be interpreted in a manner consistent with the Notice of Adoption.

c. Sec. 1.103—Authority of the Board. One commenter suggested that this section be modified in a way that would allow the Board to adopt the Pedestrian Right of Way Accessible Guidelines (''PROWAG'') as a standard. Because the PROWAG are only proposed guidelines and they have not been adopted by the DOT as standards by regulation, these are not among the current DOT regulations that the Board can adopt under Section 210(e)(2) of the CAA. For this reason, the Board has not acted upon this suggestion.

d. Sec. 1.104—Method for identifying entity responsible. A commenter suggested that the term ''this section'' refers to both the statutory and regulatory language at different times. In response to this suggestion, the Board has changed the first reference to ''this section'' to ''Section 210 of the CAA'' in the adopted regulation. A commenter has also suggested that the regulation refers to allocating responsibility between covered entities rather than identifying the entity responsible and notes that there may be instances where access issues arise because a private landlord has failed to comply with the lease with the covered entity and the General Counsel would be unable to ''allocate responsibility'' between the covered entity and the private landlord. In response, the Board notes that Section 1.104(c) describes how the entities responsible for correcting violations are identified. Section 1.104(d) describes how responsibility is allocated when more than one covered entity is responsible for the correction. Because a private landlord is not a ''covered entity'' within the meaning of the CAA, Section 1.104(d) would not be applicable when deciding how to allocate responsibility between a private landlord and a covered legislative branch office. To further clarify this distinction, the Board has added the word ''covered'' before ''entity'' in Section 1.104(d) of the adopted regulation. Another commenter requested that this regulation be clarified so that only violations of the sections of the ADA incorporated in the CAA will be considered violations. In response, the Board notes that this has been accomplished by defining the ''ADA'' as including only those sections incorporated by the CAA. Another comment requested a definition of the term ''order'' in the last sentence of Section 1.104(d). In response, this word has been deleted in the adopted regulations.

e. Sec. 1.105—Title II Regulations incorporated by reference. The Architect of the Capitol suggested a slight modification to the definition of ''historic property'' in Sec. 1.105(a)(4) which would add the word ''properties'' to the list including ''facilities'' and ''buildings.'' The Board has made this change in the adopted regulations. Another commenter requested that the definition of ''historic'' properties be modified to include properties designated as historic by state or local law to cover district offices located in such buildings. In response, the Board notes that the definition contained in Sec. 1.105(a)(4) merely supplements the definition of historic properties contained in Section 35.104, which includes those properties designated as historic under State or local law. To further clarify this, the Board has added the word ''also'' to the definition in the adopted regulation. Another comment suggested that, rather than providing a general rule of interpretation, all potentially conflicting regulations should be rewritten to reconcile all possible conflicts. In response, as noted earlier in response to the general comments, the Board has adopted only the Title II regulation when both a DOJ Title II and Title III regulation address the same subject.

(1) Section 35.103(a). A comment suggested that this regulation should not be adopted because it references Title V of the Rehabilitation Act which includes employment discrimination issues. In response, the Board notes that Section 35.103(a) is based on Section 204 of the ADA, 42 U.S.C. §12134, which is incorporated by reference into the CAA; consequently, this provision remains in the adopted regulations.

(2) Section 35.104. A comment suggested that this regulation should be rewritten to delete all terms that are irrelevant, duplicative, or otherwise inapplicable. In response, the Board notes that definitions of terms that are not used in the incorporated regulations are not incorporated by reference, as made clear by the additional language added in §1.105(a); consequently, there is no need to rewrite the regulation.

(3) Section 35.105 (Self-Evaluation) and Section 35.106 (Notice). A comment suggested

that these regulations should not be adopted because they might require covered entities to report findings to the OOC or keep and maintain certain records. The Board does not find this reason to be ''good cause'' for modifying the existing DOJ regulation. Unlike some of the other statutes incorporated by the CAA, the ADA does not contain a specific section about recordkeeping that Congress declined to apply to legislative branch entities.

(4) Section 35.107 (Designation of responsible employee and adoption of grievance procedures). A comment suggested that this regulation should not be adopted because the CAA contains other enforcement provisions. The Board does not find ''good cause'' for modifying the existing DOJ regulation. The DOJ placed these provisions in the regulations even though the ADA contains enforcement provisions. These regulations provide an opportunity to promptly address access issues by allowing individuals with disabilities to complain directly to the covered entity about an access problem.

(5) Section 35.131 (Illegal use of drugs). A comment suggested that this regulation should not be adopted because it may raise Fourth Amendment issues. The Board finds that there is not ''good cause'' for modifying the existing DOJ regulation. The Fourth Amendment also applies to state and local governments. This regulation exists to make clear that covered entities can legally prohibit participants in government sponsored sport and recreational activities from illegally using drugs.

(6) Section 35.133 (Maintenance of accessible features). A comment suggested that this regulation should be modified to exclude offices that have no ''direct care and control'' over accessible features because only certain offices control the common areas in buildings. In response, the Board finds that there is not ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the Proposed Regulations.

(7) Section 35.137 (Mobility Devices). A comment suggested that this regulation should be modified to exclude offices that do not have direct control over the daily operation of legislative branch facilities. In response, the Board has failed to find ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the Proposed Regulations.

(8) Section 35.150 (Existing Facilities). A comment suggested that this proposed regulation should be modified so that it requires that only accessible facilities be leased and that Section 35.150(d) be removed because it requires the development of a transition plan which imposes recordkeeping requirements not adopted in the CAA. The Board does not find ''good cause'' for modifying the existing DOJ regulation. The accessibility requirements of leased facilities are addressed in a separate regulation. Regarding transition plans, as noted earlier, unlike some of the other statutes incorporated by the CAA, the ADA does not contain a specific section about recordkeeping that Congress declined to apply to legislative branch entities. The transition planning requirement is a key element of the DOJ regulations since it compels public entities to develop a plan for making all of their facilities accessible.

(9) Section 35.160 (Communications—General) A comment suggested modifying this regulation so that it is consistent with Section 36.303(c) (Effective communication). In response, the Board notes that the adopted regulations do not include Section 36.303(c) so there is no longer a reason for modifying the existing DOJ Title II regulation.

(10) Section 35.163 (Information and Signage). A comment suggested excluding offices that do not have direct control over signage in common areas from this regulation. In response, the Board does not find ''good cause'' for modifying the existing DOJ regulation. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the adopted regulations.

(11) Appendices to Part 35 Regulations. A commenter suggested correcting the titles of the Appendices to Parts 35 and 36. The titles have been corrected in the adopted regulations.

f. Sec. 1.105—Title III Regulations incorporated by reference.

(1) Section 36.101 (Purpose). A comment suggested that this regulation be modified to state that only those sections of Title III incorporated by the CAA are being implemented. The Board finds that this change is not necessary because the adopted regulations define the term ''Americans with Disabilities Act'' as including only those sections of the ADA incorporated by the CAA.

(2) Section 36.103 (Relationship with other Laws). A comment suggested deleting this regulation because it references Title V of the Rehabilitation Act. In response, the Board notes that Section 36.103 is based in part on Section 204 of the ADA, 42 U.S.C. §12134, which is incorporated by reference into the CAA, and therefore finds no cause for deleting this regulation.

(3) Section 36.104 (Definitions). Several comments suggested that this regulation be modified to remove all definitions that are irrelevant, duplicative, or otherwise inapplicable. The Board notes that definitions of terms that are not used in the incorporated regulations are not incorporated by reference and therefore finds no cause for altering the regulation. As noted earlier, because the Notice of Adoption will be included as an appendix to the regulations, the notice will serve as guidance for interpreting the regulations.

(4) Section 36.209 (Illegal use of drugs). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(5) Section 36.211 (Maintenance of accessible features). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(6) Section 36.303 (Effective communication). The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations.

(7) Section 36.304 (Removal of Barriers). A comment suggested modifying this regulation to acknowledge that the General Counsel has no authority over private landlords. The Board does not find good cause for modifying this regulation. As noted earlier, there is nothing in the regulations suggesting that the CAA applies to private landlords. In many cases, barrier removal is the responsibility of both the landlord and the tenant. If the tenant has a lease provision that places this responsibility on the landlord, it is up to the tenant to take appropriate action to enforce this provision.

(8) Sections 36.402 (Alterations), 36.403 (Alterations: Path of travel), 36.404 (Alterations: Elevator exemption), 36.405 (Alterations: Historic preservation) and 36.406 (Standards for new construction and alterations). A comment suggested modifying these regulations to consider the limited control that some offices have over capital improvement and alterations to buildings and to modify the historic preservation definition to include buildings designated as historic by state and local governments. The Board does not find good cause for modifying the existing DOJ regulations. The entity or entities responsible for correcting violations are identified in accordance with Section 1.104(c) of the adopted regulations. As noted earlier, the definition contained in Sec. 1.105(a)(4) merely supplements the definition of historic properties contained in Section 36.405(a), which includes those properties designated as historic under State or local law.

(9) Appendices to Part 36 Regulations. A commenter suggested correcting the titles of the Appendices to Parts 35 and 36. The titles have been corrected in the adopted regulations.

g. Section 1.105(e)—36 C.F.R. Part 1190 (2004) & ABAAG § F202.6

(1) Several commenters suggested that 36 C.F.R. Part 1190 (2004) should not be adopted because it is no longer in the Code of Federal Regulations. The Board does not find good cause to reconsider its decision to adopt this regulation. As noted earlier, although the regulation was removed from the C.F.R. in 2004 when the substance of the regulation became part of the ABA Accessibility Guidelines (''ABAAG'') at § F202.6, it is still an enforceable standard applied to the United States Government. Since 1976, when Congress amended the ABA, it has been a hallmark of federal policy regarding people with disabilities to require accessibility of buildings and facilities constructed or leased using federal funds.

h. Part 2—Matters Pertaining to Investigation and Prosecution of Charges of Discrimination

(1) Section 2.101 (Purpose and Scope). Several commenters suggested that this regulation explain in more detail how the General Counsel will exercise statutory authority by procedural rule or policy. In response, the Board has deleted this sentence from the adopted regulation.

(2) Section 2.102(b). A comment suggested that this regulation be modified to further clarify what ''other means'' can be used to ''file a charge'' other than those listed in the regulation. In response, the Board has deleted the reference to ''other means.''

(3) Section 2.102(c). Commenters suggested that this regulation should be modified because subpart (2) of the definition of ''the occurrence of the alleged violation'' is currently phrased in a way that seems to assume that a violation has occurred and is too broad because it might allow a charge to be filed beyond 180 days of the date of the alleged discrimination. In response to these comments, the adopted regulations retain only the definition of occurrence in subpart (1).

(4) Section 2.103. Commenters suggested modifying this regulation because it appears to expand the General Counsel's authority beyond what the CAA provides. For the reasons stated earlier in the response to the general comments, the Board disagrees with this assessment and therefore this section has not been changed in the adopted regulations.

(5) Section 2.107(a)(2). Commenters suggested removing this regulation because they believe that the CAA does not provide compensatory damages as a remedy for violations of Section 210. After due consideration of these comments, the Board has decided that the issue of what constitutes an appropriate remedy should be decided on a case-by-case basis through the statutory hearing and appeals process rather than by regulation. It should be noted, however, that the analysis in *Lane* v. *Pena*, 518 U.S. 187 (1996) may not be applicable to ADA cases under the CAA by virtue of the language in Section 210(b)(2) which defines ''public entity'' as including any of the covered entities

listed in Section 210(a) and the language in Section 210(c) which provides for ''such remedy as would be appropriate if awarded under section 203 or 308(a) of the American with Disabilities Act of 1990.'' These provisions, when read together, may very well constitute an express waiver of sovereign immunity for all damages that can be appropriately awarded against a public entity, which would include compensatory damages.

i. Part 3—Matters Pertaining to Periodic Inspections and Reporting

(1) Section 3.101 (Purpose and Scope). Several commenters suggested that this regulation explain in more detail how the General Counsel will exercise statutory authority by procedural rule or policy. In response, the Board has deleted this sentence from the adopted regulation.

(2) Section 3.102 (Definitions). A commenter suggested that the definition of ''facilities of a covered entity'' be narrowed so that the General Counsel would only inspect spaces occupied solely by a legislative branch office and would not inspect common spaces, entrances or accessible pathways used to access the solely occupied spaces. The Board finds that such a narrow definition of ''facilities of a covered entity'' would be inconsistent with the DOJ regulations and the purpose of the statutory mandate to inspect facilities for compliance with Titles II and III of the ADA; therefore, it has not modified this definition in the adopted regulations.

(3) Section 3.103 (Inspection Authority). Commenters suggested that the General Counsel not be allowed to conduct an inspection or investigation initiated by someone who wishes to remain anonymous. For the reasons stated earlier in response to the general comments, the Board rejects this suggestion and has therefore not changed this section in the adopted regulations. The Architect of the Capitol suggested that, in the interest of simplicity and timeliness, Section 3.103(d) be shortened to: ''The Office of the Architect of the Capitol shall, within one year from the effective date of these regulations, develop a process with the General Counsel to identify potential barriers to access prior to the completion of alteration and construction projects.'' Because the language used in the NPRM more thoroughly describes what this preconstruction process should entail, the Board does not find good cause to modify this regulation in the manner suggested.

Adopted Regulations:

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

§ 1.101 Purpose and scope.

(a) **CAA.** Enacted into law on January 23, 1995, the Congressional Accountability Act (''CAA'') in Section 210(b) provides that the rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 (''ADA''), shall apply to the following entities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Office of Congressional Accessibility Services;

(5) the United States Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Botanic Garden);

(8) the Office of the Attending Physician; and

(9) the Office of Compliance;

Title II of the ADA prohibits discrimination on the basis of disability in the provision of public services, programs, activities by any ''public entity.'' Section 210(b)(2) of the CAA provides that for the purpose of applying Title II of the ADA the term ''public entity'' means any entity listed above that provides public services, programs, or activities. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Section 225(f) of the CAA provides that, ''[e]xcept where inconsistent with definitions and exemptions provided in [this Act], the definitions and exemptions of the [ADA] shall apply under [this Act.]'' 2 U.S.C. §1361(f)(1).

Section 210(d) of the CAA requires that the General Counsel of the Office of Compliance accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Title II or Title III of the ADA by a covered entity. If the General Counsel believes that a violation may have occurred, the General Counsel may request, but not participate in, mediation under Section 403 of the CAA and may file with the Office a complaint under Section 405 of the CAA against any entity responsible for correcting the violation. 2 U.S.C. §1331(d).

Section 210(f) of the CAA requires that the General Counsel of the Office of Compliance on a regular basis, and at least once each Congress, conduct periodic inspections of all covered facilities and to report to Congress on compliance with disability access standards under Section 210. 2 U.S.C. §1331(f).

(b) **Purpose and scope of regulations.** The regulations set forth herein (Parts 1, 2, and 3) are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to Section 210(e) of the CAA. Part 1 contains the general provisions applicable to all regulations under Section 210, the method of identifying entities responsible for correcting a violation of Section 210, and the list of executive branch regulations incorporated by reference which define and clarify the prohibition against discrimination on the basis of disability in the provision of public services and accommodations. Part 2 contains the provisions pertaining to investigation and prosecution of charges of discrimination. Part 3 contains the provisions regarding the periodic inspections and reports to Congress on compliance with the disability access standards.

§ 1.102 Definitions.

Except as otherwise specifically provided in these regulations, as used in these regulations:

(a) ***Act*** or ***CAA*** means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(b) ***ADA*** or ***Americans with Disabilities Act*** means those sections of the Americans with Disabilities Act of 1990 incorporated by reference into the CAA in Section 210: 42 U.S.C. §§12131–12150, 12182, 12183, and 12189.

(c) ***Covered entity and public entity*** include any of the entities listed in §1.101(a) that provide public services, programs, or activities, or operates a place of public accommodation within the meaning of Section 210 of the CAA. In the regulations implementing Title III, ***private entity*** includes ***covered entities.***

(d) ***Board*** means the Board of Directors of the Office of Compliance.

(e) ***Office*** means the Office of Compliance.

(f) ***General Counsel*** means the General Counsel of the Office of Compliance.

§ 1.103 Authority of the Board.

Pursuant to Sections 210 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections against discrimination on the basis of disability in the provision of public services and accommodations under the ADA. Section 210(e) of the CAA directs the Board to promulgate regulations implementing Section 210 that are ''the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' 2 U.S.C. §1331(e). Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of Section 210 of the CAA]'' that need be adopted.

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Attorney General and the Secretary of Transportation. Such changes are intended to make the provisions adopted accord more naturally to situations in the Legislative Branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Attorney General and/or the Secretary of Transportation from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulations or of the statutory provisions of the CAA upon which they are based.

§ 1.104 Method for identifying the entity responsible for correction of violations of section 210.

(a) **Purpose and scope.** Section 210(e)(3) of the CAA provides that regulations under Section 210(e) include a method of identifying, for purposes of Section 210 of the CAA and for categories of violations of Section 210(b), the entity responsible for correcting a particular violation. This section sets forth the method for identifying responsible entities for the purpose of allocating responsibility for correcting violations of Section 210(b).

(b) **Violations.** A covered entity may violate Section 210(b) if it discriminates against a qualified individual with a disability within the meaning of Title II or Title III of the ADA.

(c) **Entities Responsible for Correcting Violations.** Correction of a violation of the rights and protections against discrimination is the responsibility of the entities listed in subsection (a) of Section 210 of the CAA that provide the specific public service, program, activity, or accommodation that forms the basis for the particular violation of Title II or Title III rights and protections

and, when the violation involves a physical access barrier, the entities responsible for designing, maintaining, managing, altering or constructing the facility in which the specific public service program, activity or accommodation is conducted or provided.

(d) **Allocation of Responsibility for Correction of Title II and/or Title III Violations.** Where more than one covered entity is found to be an entity responsible for correction of a violation of Title II and/or Title III rights and protections under the method set forth in this section, as between those parties, allocation of responsibility for correcting the violations of Title II or Title III of the ADA may be determined by statute, contract, or other enforceable arrangement or relationship.

§ 1.105 Regulations incorporated by reference.

(a) **Technical and Nomenclature Changes to Regulations Incorporated by Reference.** The definitions in the regulations incorporated by reference (''incorporated regulations''') shall be used to interpret these regulations except: (1) when they differ from the definitions in §1.102 or the modifications listed below, in which case the definition in §1.102 or the modification listed below shall be used; or (2) when they define terms that are not used in the incorporated regulations. The incorporated regulations are hereby modified as follows:

(1) When the incorporated regulations refer to ''Assistant Attorney General,'' ''Department of Justice,'' ''FTA Administrator,'' ''FTA regional office,'' ''Administrator,'' ''Secretary,'' or any other executive branch office or officer, ''General Counsel'' is hereby substituted.

(2) When the incorporated regulations refer to the date ''January 26, 1992,'' the date ''January 1, 1997'' is hereby substituted.

(3) When the incorporated regulations otherwise specify a date by which some action must be completed, the date that is three years from the effective date of these regulations is hereby substituted.

(4) When the incorporated regulations contain an exception for an ''historic'' property, building, or facility, that exception shall also apply to properties, buildings, or facilities designated as an historic or heritage asset by the Office of the Architect of the Capitol in accordance with its preservation policy and standards and where, in accordance with its preservation policy and standards, the Office of the Architect of the Capitol determines that compliance with the requirements for accessible routes, entrances, or toilet facilities (as defined in 28 C.F.R. Parts 35 and 36) would threaten or destroy the historic significance of the property, building or facility, the exceptions for alterations to qualified historic property, buildings or facilities for that element shall be permitted to apply.

(b) **Rules of Interpretation.** When regulations in (c) conflict, the regulation providing the most access shall apply. The Board's Notice of Adoption shall be used to interpret these regulations and shall be made part of these Regulations as Appendix A.

(c) **Incorporated Regulations from 28 C.F.R. Parts 35 and 36.** The Office shall publish on its website the full text of all regulations incorporated by reference. The following regulations from 28 C.F.R. Parts 35 and 36 that are published in the Code of Federal Regulations on the date of the Board's adoption of these regulations are hereby incorporated by reference as though stated in detail herein:

§ 35.101 Purpose.
§ 35.102 Application.
§ 35.103 Relationship to other laws.
§ 35.104 Definitions.
§ 35.105 Self-evaluation
§ 35.106 Notice.
§ 35.107 Designation of responsible employee and adoption of grievance procedures.
§ 35.130 General prohibitions against discrimination.
§ 35.131 Illegal use of drugs.
§ 35.132 Smoking.
§ 35.133 Maintenance of accessible features.
§ 35.135 Personal devices and services.
§ 35.136 Service animals
§ 35.137 Mobility devices.
§ 35.138 Ticketing
§ 35.139 Direct threat.
§ 35.149 Discrimination prohibited.
§ 35.150 Existing facilities.
§ 35.151 New construction and alterations.
§ 35.152 Jails, detention and correctional facilities.
§ 35.160 General.
§ 35.161 Telecommunications.
§ 35.162 Telephone emergency services.
§ 35.163 Information and signage.
§ 35.164 Duties.
Appendix A to Part 35—Guidance to Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services.
Appendix B to Part 35—Guidance on ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services Originally Published July 26, 1991.
§ 36.101 Purpose.
§ 36.102 Application.
§ 36.103 Relationship to other laws.
§ 36.104 Definitions.
§ 36.201 General.
§ 36.202 Activities.
§ 36.203 Integrated settings.
§ 36.204 Administrative methods.
§ 36.205 Association.
§ 36.207 Places of public accommodations located in private residences.
§ 36.208 Direct threat.
§ 36.210 Smoking.
§ 36.213 Relationship of subpart B to subparts C and D of this part.
§ 36.301 Eligibility criteria.
§ 36.302 Modifications in policies, practices, or procedures.
§ 36.304 Removal of barriers.
§ 36.305 Alternatives to barrier removal.
§ 36.307 Accessible or special goods.
§ 36.308 Seating in assembly areas.
§ 36.309 Examinations and courses.
§ 36.310 Transportation provided by public accommodations.
§ 36.402 Alterations.
§ 36.403 Alterations: Path of travel.
§ 36.404 Alterations: Elevator exemption.
§ 36.405 Alterations: Historic preservation.
§ 36.406 Standards for new construction and alterations.
Appendix A to Part 36—Guidance on Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities.
Appendix B to Part 36—Analysis and Commentary on the 2010 ADA Standards for Accessible Design.

(d) **Incorporated Regulations from 49 C.F.R. Parts 37 and 38.** The following regulations from 49 C.F.R. Parts 37 and 38 that are published in the Code of Federal Regulations on the effective date of these regulations are hereby incorporated by reference as though stated in detail herein:

§ 37.1 Purpose.
§ 37.3 Definitions.
§ 37.5 Nondiscrimination.
§ 37.7 Standards for accessible vehicles.
§ 37.9 Standards for accessible transportation facilities.
§ 37.13 Effective date for certain vehicle specifications.
§ 37.21 Applicability: General.
§ 37.23 Service under contract.
§ 37.27 Transportation for elementary and secondary education systems.
§ 37.31 Vanpools.
§ 37.37 Other applications.
§ 37.41 Construction of transportation facilities by public entities.
§ 37.43 Alteration of transportation facilities by public entities.
§ 37.45 Construction and alteration of transportation facilities by private entities.
§ 37.47 Key stations in light and rapid rail systems.
§ 37.61 Public transportation programs and activities in existing facilities.
§ 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.
§ 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.
§ 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.
§ 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.
§ 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.
§ 37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.
§ 37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.
§ 37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.
§ 37.105 Equivalent service standard.
§ 37.121 Requirement for comparable complementary paratransit service.
§ 37.123 ADA paratransit eligibility: Standards.
§ 37.125 ADA paratransit eligibility: Process.
§ 37.127 Complementary paratransit service for visitors.
§ 37.129 Types of service.
§ 37.131 Service criteria for complementary paratransit.
§ 37.133 Subscription service.
§ 37.135 Submission of paratransit plan.
§ 37.137 Paratransit plan development.
§ 37.139 Plan contents.
§ 37.141 Requirements for a joint paratransit plan.
§ 37.143 Paratransit plan implementation.
§ 37.147 Considerations during FTA review.
§ 37.149 Disapproved plans.
§ 37.151 Waiver for undue financial burden.
§ 37.153 FTA waiver determination.
§ 37.155 Factors in decision to grant an undue financial burden waiver.
§ 37.161 Maintenance of accessible features: General.
§ 37.163 Keeping vehicle lifts in operative condition: Public entities.
§ 37.165 Lift and securement use.
§ 37.167 Other service requirements.
§ 37.171 Equivalency requirement for demand responsive service operated by private entities not primarily engaged in the business of transporting people.
§ 37.173 Training requirements.
Appendix A to Part 37—Modifications to Standards for Accessible Transportation Facilities.
Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37.
§ 38.1 Purpose.

(e) **Incorporated Standard from the Architectural Barriers Act Accessibility Standards ("ABAAS") (May 17, 2005).** The following standard from the ABAAS is adopted as a standard and hereby incorporated as a regulation by reference as though stated in detail herein:

§ 2.101 Purpose and scope.

Section 210(d) of the CAA requires that the General Counsel accept and investigate charges of discrimination filed by qualified individuals with disabilities who allege a violation of Title II or Title III of the ADA by a covered entity. Part 2 of these regulations contains the provisions pertaining to investigation and prosecution of charges of discrimination.

§ 2.102 Definitions.

(a) ***Charge*** means any written document from a qualified individual with a disability or that individual's designated representative which suggests or alleges that a covered entity denied that individual the rights and protections against discrimination in the provision of public services and accommodations provided in Section 210(b)(1) of the CAA.

(b) ***File a charge*** means providing a charge to the General Counsel in person, by mail, or by electronic transmission. Charges shall be filed within 180 days of the occurrence of the alleged violation.

(c) ***The occurrence of the alleged violation*** means the date on which the charging individual was allegedly discriminated against.

(d) ***The rights and protections against discrimination in the provision of public services and accommodations*** means all of the rights and protections provided by Section 210(b)(1) of the CAA through incorporation of Sections 201 through 230, 302, 303, and 309 of the ADA and by the regulations issued by the Board to implement Section 210 of the CAA.

§ 2.103 Investigatory Authority.

(a) **Investigatory Methods.** When investigating charges of discrimination and conducting inspections, the General Counsel is authorized to use all the modes of inquiry and investigation traditionally employed or useful to execute this investigatory authority. The authorized methods of investigation include, but are not limited to, the following: (1) requiring the parties to provide or produce ready access to: all physical areas subject to an inspection or investigation, individuals with relevant knowledge concerning the inspection or investigation who can be interviewed or questioned, and documents pertinent to the investigation; and (2) requiring the parties to provide written answers to questions, statements of position, and any other information relating to a potential violation or demonstrating compliance.

(b) **Duty to Cooperate with Investigations.** Charging individuals and covered entities shall cooperate with investigations conducted by the General Counsel. Cooperation includes providing timely responses to reasonable requests for information and documents (including the making and retention of copies of records and documents), allowing the General Counsel to review documents and interview relevant witnesses confidentially and without managerial interference or influence, and granting the General Counsel ready access to all facilities where covered services, programs and activities are being provided and all places of public accommodation.

§ 2.104 Mediation.

(a) **Belief that violation may have occurred.** If, after investigation, the General Counsel believes that a violation of the ADA may have occurred and that mediation may be helpful in resolving the dispute, prior to filing a complaint, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of Section 403 of the CAA between the charging individual and any entity responsible for correcting the alleged violation.

(b) **Settlement.** If, prior to the filing of a complaint, the charging individual and the entity responsible for correcting the violation reach a settlement agreement that fully resolves the dispute, the General Counsel shall close the investigation of the charge without taking further action.

(c) **Mediation Unsuccessful.** If mediation under (a) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of the ADA may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation.

§ 2.105 Complaint.

The complaint filed by the General Counsel shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of Section 405 of the CAA. The decision of the hearing officer shall be subject to review by the Board pursuant to Section 406 of the CAA.

§ 2.106 Intervention by Charging Individual.

Any person who has filed a charge may intervene as of right, with the full rights of a party, whenever a complaint is filed by the General Counsel.

§ 2.107 Remedies and Compliance.

(a) **Remedy.** The remedy for a violation of Section 210 of the CAA shall be such remedy as would be appropriate if awarded under Section 203 or 308(a) of the ADA.

(b) **Compliance Date.** Compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

§ 2.108 Judicial Review.

A charging individual who has intervened or any respondent to the complaint, if aggrieved by a final decision of the Board, may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to Section 407 of the CAA.

§ 3.101 Purpose and scope.

Section 210(f) of the CAA requires that the General Counsel, on a regular basis, at least once each Congress, inspect the facilities of covered entities to ensure compliance with the Titles II and III of the ADA and to prepare and submit a report to Congress containing the results of the periodic inspections, describing any violations, assessing any limitations in accessibility, and providing the estimated cost and time needed for abatement. Part 3 of these regulations contains the provisions pertaining to these inspection and reporting duties.

§ 3.102 Definitions.

(a) ***The facilities of covered entities*** means all facilities used to provide public programs, activities, services or accommodations that are designed, maintained, altered or constructed by a covered entity and all facilities where covered entities provide public programs, activities, services or accommodations.

(b) ***Violation*** means any barrier to access caused by noncompliance with the applicable standards.

(c) ***Estimated cost and time needed for abatement*** means cost and time estimates that can be reported as falling within a range of dollar amounts and dates.

§ 3.103 Inspection authority.

(a) **General scope of authority.** On a regular basis, at least once each Congress, the General Counsel shall inspect the facilities of covered entities to ensure compliance with Titles II and III of the ADA. When conducting these inspections, the General Counsel has the discretion to decide which facilities will be inspected and how inspections will be conducted. The General Counsel may receive requests for ADA inspections, including anonymous requests, and conduct inspections for compliance with Titles II and III of the ADA in the same manner that the General Counsel receives and investigates requests for inspections under Section 215(c)(1) of the CAA.

(b) **Review of information and documents.** When conducting inspections under Section 210(f) of the CAA, the General Counsel may request, obtain, and review any and all information or documents deemed by the General Counsel to be relevant to a determination of whether the covered entity is in compliance with Section 210 of the CAA.

(c) **Duty to cooperate.** Covered entities shall cooperate with any inspection conducted by the General Counsel in the manner provided by § 2.103(b).

(d) **Pre-construction review of alteration and construction projects.** Any project involving alteration or new construction of facilities of covered entities are subject to inspection by the General Counsel for compliance with Titles II and III of the ADA during the design, pre-construction, construction, and post construction phases of the project. The Office of the Architect of the Capitol shall, within one year from the effective date of these regulations, develop a process with the General Counsel to identify potential barriers to access prior to the completion of alteration and construction projects that may include the following provisions:

(1) Design review or approval;

(2) Inspections of ongoing alteration and construction projects;

(3) Training on the applicable ADA standards;

(4) Final inspections of completed projects for compliance; and

(5) Any other provision that would likely reduce the number of ADA barriers in alterations and new construction and the costs associated with correcting them.

§ 3.104 Reporting, estimating cost & time, and compliance date.

(a) **Reporting duty.** On a regular basis, at least once each Congress, the General Counsel shall prepare and submit a report to Congress containing the results of the periodic inspections conducted under §3.103(a), describing any violations, assessing any limitations in accessibility, and providing the estimated cost and time needed for abatement.

(b) **Estimated cost & time.** Covered entities shall cooperate with the General Counsel by providing information needed to provide the estimated cost and time needed for abatement in the manner provided by §2.103(b).

(c) **Compliance date.** All barriers to access identified by the General Counsel in its periodic reports shall be removed or otherwise corrected as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the report describing the barrier to access was issued by the General Counsel.

Recommended Method of Approval:

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Signed at Washington, D.C., on this 3rd day of February, 2016.

BARBARA L. CAMENS,
CHAIR OF THE BOARD, OFFICE OF COMPLIANCE.

ENDNOTES

1. 28 C.F.R. §36.201(b) reads as follows: ''Landlord and tenant responsibilities. Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.''

2. The DOJ's illustrations and descriptions in its Technical Assistance Manuals regarding compliance with Titles II and Title III by tenants and landlords make this clear. See, U.S. Dept. of Justice, ADA Title III Technical Assistance Manual §III.–1.2000 (Nov. 1993) (''The title III regulation permits the landlord and the tenant to allocate responsibility, in the lease, for complying with particular provisions of the regulation. However, any allocation made in a lease or other contract is only effective as between the parties, and both landlord and tenant remain fully liable for compliance with all provisions of the ADA relating to that place of public accommodation.''); U.S. Dept. of Justice, ADA Title II Technical Assistance Manual §II.–1.3000 (Nov. 1993) (Both manuals are available online at www.ada.gov). Also see, Gabreille P. Whelan, Comment, The ''Public Access'' Provisions of Title III of the Americans with Disabilities Act, 34 Santa Clara L. Rev. 215, 217–18 (1993).

3. Several commenters correctly noted that the NPRM contains a technical error because the year (2004) was omitted from the C.F.R. citation, which was a potential source of confusion because the regulation was removed from the C.F.R. in 2004 when the substance of the regulation became part of the ABA Guidelines at §F202.6. Fortunately, all of the commenters were sufficiently able to ascertain the subject matter of the proposed regulation to participate fully in the rulemaking process by providing detailed comments about the proposed regulation, which is all that is required of a NPRM. See e.g., Am. Iron & Steel Inst. v. EPA, 568 F.2d 284, 293 (3d Cir. 1977); United Steelworkers v. Marshall, 647 F.2d 1189, 1121 (D.C. Cir. 1980); and Am. Med. Ass'n v. United States, 887 F.2d 760, 767 (7th Cir. 1989).

4. Under §F202.6 of the ABAAG, ''Buildings or facilities for which new leases are negotiated by the Federal government after the effective date of the revised standards issued pursuant to the Architectural Barriers Act, including new leases for buildings or facilities previously occupied by the Federal government, shall comply with F202.6.'' F202.6 then proceeds to describe the requirements for an accessible route to primary function areas, toilet and bathing facilities, parking, and other elements and spaces. The ABAAG became the ABA Accessibility Standards (''ABAAS'') on May 17, 2005 when the GSA adopted them as the standards. See 41 C.F.R. §102 76.65(a) (2005).

5. These features include at least one accessible route to primary function areas, at least one accessible toilet facility for each sex (or an accessible unisex toilet facility if only one toilet is provided), accessible parking spaces, and, where provided, accessible drinking fountains, fire alarms, public telephones, dining and work surfaces, assembly areas, sales and service counters, vending and change machines, and mail boxes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4203. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (HSACU) (RIN: 0524-AA39) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4204. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-formula Federal Assistance Programs — General Award Administrative Provisions and Specific Administrative Provisions (RIN: 0524-AA58) received February 1, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4205. A letter from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's proposed rule — Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Farmer Mac Investment Eligibility (RIN: 3052-AC86) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

4206. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's Major final rule — Single Family Housing Guaranteed Loan Program (RIN: 0575-AC18) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4207. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals; Technical Amendment [Docket No.: FDA-2011-N-0922] (RIN: 0910-AG10) received February 1, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2015-0263; FRL-9940-46] received February 2, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Protection of Stratospheric Ozone: Revisions to Reporting and Recordkeeping for Imports and Exports [EPA-HQ-OAR-2015-0309; FRL-9941-82-OAR] (RIN: 2060-AS68) received February 2, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4210. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 13566 of February 25, 2011, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

4211. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-276, ''Washington Metropolitan Area Transit Authority Safety Regulation Temporary Amendment Act of 2016'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4212. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-277, ''Microstamping Implementation Temporary Amendment Act of 2016'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4213. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 21-275, ''Office of the Attorney General Personnel and Procurement Clarification Temporary Amendment Act of 2016'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4214. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2016 Atlantic Shark Commercial Fishing Season [Docket No.: 150413357-

5999-02] (RIN: 0648-XD898) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4215. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Emergency Action [Docket No.: 150311250-5474-01] (RIN: 0648-BE97) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4216. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts for Skates in the Gulf of Alaska [Docket No.: 150126078-5999-02] (RIN: 0648-BE85) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4217. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's notice — Revised Jurisdictional Thresholds for Section 8 of the Clayton Act received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4218. A letter from the Secretary, Department of Energy, transmitting a submission of proposed legislation to amend Section 4601(c) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)); jointly to the Committees on Armed Services and Energy and Commerce.

4219. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products [Docket No.: DEA-347] (RIN: 1117-AB30) received January 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and the Judiciary.

4220. A letter from the Chair, Office of Compliance, transmitting a notice of adoption of regulations and submission for approval, pursuant to 2 U.S.C. 1384(b)(3); Public Law 104-1, Sec. 304; (109 Stat. 29); jointly to the Committees on House Administration and Education and the Workforce.

4221. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter and relevant documentation concerning the implementation of limited waivers of certain sanctions with respect to Iran under the Iran Freedom and Counter-Proliferation Act of 2012, the Iran Sanctions Act of 1996, and Sec. 1245 of the National Defense Authorization Act for Fiscal Year 2012; jointly to the Committees on Foreign Affairs, Financial Services, Oversight and Government Reform, the Judiciary, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself and Mr. LOBIONDO):

H.R. 4441. A bill to transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize and streamline programs of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACK (for herself, Mr. WELCH, Mr. HARPER, and Mr. THOMPSON of California):

H.R. 4442. A bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOLLY (for himself, Mr. MICA, Mr. JONES, Mr. NUGENT, Mr. DUFFY, and Mr. NOLAN):

H.R. 4443. A bill to amend the Federal Election Campaign Act of 1971 to prohibit individuals holding Federal office from directly soliciting contributions to or on behalf of any political committee under such Act, and for other purposes; to the Committee on House Administration.

By Mrs. ELLMERS of North Carolina (for herself, Ms. DEGETTE, Mr. POMPEO, Ms. MATSUI, and Mr. DENT):

H.R. 4444. A bill to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Mr. DEUTCH, Mr. TAKANO, Mr. ELLISON, Mr. LEWIS, Ms. KAPTUR, Mr. MCGOVERN, Mr. HASTINGS, Mr. CARTWRIGHT, and Mr. GALLEGO):

H.R. 4445. A bill to direct the Federal Trade Commission to submit to Congress a report on the consumer harm arising from the use, in advertisements and other media for the promotion of commercial products and services, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted; to the Committee on Energy and Commerce.

By Mr. STEWART (for himself, Mr. BISHOP of Utah, and Ms. ROS-LEHTINEN):

H.R. 4446. A bill to authorize the use of Ebola funds for Zika response and preparedness; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. LARSON of Connecticut, Mr. RANGEL, Ms. KUSTER, Mr. PERLMUTTER, Mr. CICILLINE, Ms. PINGREE, Mr. LYNCH, Ms. ESTY, and Mr. VAN HOLLEN):

H.R. 4447. A bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESANTIS (for himself, Mr. LAMBORN, Mr. CRENSHAW, Mr. ROKITA, Mr. SMITH of Texas, Mr. ROHRABACHER, Mr. HARPER, Mr. BISHOP of Michigan, Mr. ROSS, Mr. COLLINS of New York, Mr. DESJARLAIS, Mr. YOHO, Mr. SALMON, Mr. CLAWSON of Florida, Mr. WEBER of Texas, Mr. PERRY, Mr. MEADOWS, Mr. JORDAN, Mr. ZELDIN, Mr. WALKER, and Ms. MCSALLY):

H.R. 4448. A bill to amend the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to secure the authority of State and local governments to adopt and enforce measures restricting investment in business enterprises in Iran, and for other purposes; to the Committee on Financial Services.

By Mr. KATKO (for himself and Mr. LIPINSKI):

H.R. 4449. A bill to direct the Secretary of Transportation to establish a remote air traffic control tower pilot program; to the Committee on Transportation and Infrastructure.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. KING of New York, Ms. MAXINE WATERS of California, Mr. LYNCH, Mr. CAPUANO, and Ms. MOORE):

H.R. 4450. A bill to amend title 31, United States Code, to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes; to the Committee on Financial Services.

By Ms. MCSALLY (for herself, Mr. FRANKS of Arizona, Mr. ZINKE, and Mr. MCCAUL):

H.R. 4451. A bill to amend the Homeland Security Act of 2002 to establish a program to prioritize efforts to secure the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. MEADOWS:

H.R. 4452. A bill to designate the area between the intersections of International Drive Northwest and Van Ness Street Northwest and International Drive Northwest and International Place Northwest in Washington, District of Columbia, as ''Liu Xiaobo Plaza'', and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE:

H.R. 4453. A bill to amend the FAA Modernization and Reform Act of 2012 to review the number of contracts for new disadvantaged small business concerns at certain airports with Disadvantaged Business Enterprises, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. PINGREE (for herself and Ms. GABBARD):

H.R. 4454. A bill to amend title 38, United States Code, to provide for the eligibility under the Post-9/11 Educational Assistance Program of certain individuals with service-connected disabilities who transfer to reserve components before discharge from the Armed Forces; to the Committee on Veterans' Affairs.

By Mrs. RADEWAGEN:

H.R. 4455. A bill to improve air service capabilities in American Samoa, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Kentucky (for himself, Mr. CARTWRIGHT, Mr. JENKINS of

West Virginia, Mr. GRIFFITH, and Mr. BEYER):

H.R. 4456. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes; to the Committee on Natural Resources.

By Mr. SALMON (for himself and Mr. FRANKS of Arizona):

H.R. 4457. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SANFORD:

H.R. 4458. A bill to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Unit M13; to the Committee on Natural Resources.

By Mrs. WAGNER:

H.R. 4459. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to issue identity protection personal identification numbers with respect to identity theft-related tax fraud; to the Committee on Ways and Means.

By Mr. MOULTON (for himself, Mr. RIBBLE, Mr. KENNEDY, Mr. CONNOLLY, and Mr. DUNCAN of South Carolina):

H. Res. 600. A resolution reaffirming the right for the United States to use all available options, including the use of military force, to prevent Iran from acquiring a nuclear weapon; to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania (for himself, Mr. HASTINGS, Mrs. WATSON COLEMAN, Mr. VAN HOLLEN, Mr. JEFFRIES, Ms. NORTON, Ms. JUDY CHU of California, Mr. DELANEY, Mr. COSTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. BUTTERFIELD, Ms. SLAUGHTER, Mr. FATTAH, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mrs. LAWRENCE, Mrs. LOVE, Ms. TITUS, Ms. LEE, Ms. MOORE, Mr. RUSH, Mr. DAVID SCOTT of Georgia, Mr. TAKAI, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GRAYSON, Mr. THOMPSON of Mississippi, Mrs. BEATTY, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SMITH of Washington, Mr. CLAWSON of Florida, Mr. LEWIS, Ms. LOFGREN, Mr. FOSTER, Ms. FUDGE, Mr. SEAN PATRICK MALONEY of New York, Mr. VEASEY, Mr. RUIZ, Mr. PETERS, Mr. ELLISON, Mr. MCNERNEY, Mr. RICHMOND, and Mr. AL GREEN of Texas):

H. Res. 601. A resolution recognizing the 146th anniversary of the ratification of the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

170. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 5, urging the Centers for Disease Control and Prevention to take action to improve prevention, diagnosis, and treatment of Lyme disease; to the Committee on Energy and Commerce.

171. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 5, urging the Centers for Disease Control and Prevention to take action to improve prevention, diagnosis, and treatment of Lyme disease; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SHUSTER:

H.R. 4441.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 and Clause 18.

By Mrs. BLACK:

H.R. 4442.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution Article I Section 8

By Mr. JOLLY:

H.R. 4443.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. ELLMERS of North Carolina:

H.R. 4444.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause—Article 1, Section 8, Clause 3: ''To regulate Commerce with foreign nations, and among the several states, and with the Indian tribes;''

By Ms. ROS-LEHTINEN:

H.R. 4445.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. STEWART:

H.R. 4446.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. COURTNEY:

H.R. 4447.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I

By Mr. DESANTIS:

H.R. 4448.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. KATKO:

H.R. 4449.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 4450.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. MCSALLY:

H.R. 4451.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States;

Article 1, Section 8, Clause 12—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MEADOWS:

H.R. 4452.

Congress has the power to enact this legislation pursuant to the follwing:

Article I, Section 8 of the Constitution of the United States

By Ms. MOORE:

H.R. 4453.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Ms. PINGREE:

H.R. 4454.

Congress has the power to enact this legislation pursuant to the following:

Section I, Article 8

The Congress shall have power to lay and collect taxes; duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States

By Mrs. RADEWAGEN:

H.R. 4455.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The Congress shall have power. . . to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.

By Mr. ROGERS of Kentucky:

H.R. 4456.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (General Welfare) and Article I, Section 8, Clause 18 (Necessary and Proper Clause)

By Mr. SALMON:

H.R. 4457.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 9—''The Congress shall have the power to constitute Tribunals inferior to the supreme Court;''

By Mr. SANFORD:

H.R. 4458.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mrs. WAGNER:

H.R. 4459.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 228: Mr. QUIGLEY.
H.R. 244: Mr. ALLEN.
H.R. 250: Mr.O'ROURKE and Mr. JONES.
H.R. 333: Ms. MCSALLY.
H.R. 532: Mr. KEATING.
H.R. 546: Mr. ROYCE.
H.R. 605: Ms. MOORE and Mr. FARR.
H.R. 612: Mr. MICA and Mrs. NOEM.
H.R. 649: Mr. KATKO.
H.R. 662: Mr. LAHOOD and Mr. CRAMER.
H.R. 752: Mr. NORCROSS.
H.R. 800: Ms. KAPTUR.
H.R. 842: Mr. VALADAO.
H.R. 864: Mr. COFFMAN.
H.R. 911: Mr. BLUM and Mr. MCGOVERN.
H.R. 921: Mr. RENACCI and Mrs. BUSTOS.
H.R. 953: Mr. DONOVAN, Mr. ENGEL, and Mr. SEAN PATRICK MALONEY of New York.

H.R. 970: Mrs. HARTZLER.
H.R. 997: Mr. HUNTER and Mr. BOUSTANY.
H.R. 1002: Mr. LOWENTHAL.
H.R. 1062: Mr. LABRADOR and Mr. EMMER of Minnesota.
H.R. 1094: Mr. RATCLIFFE.
H.R. 1116: Mr. WILSON of South Carolina and Mr. MARINO.
H.R. 1220: Mr. PAULSEN.
H.R. 1258: Mrs. BLACK.
H.R. 1288: Mr. KATKO and Mrs. CAROLYN B. MALONEY of New York.
H.R. 1310: Mr. SEAN PATRICK MALONEY of New York.
H.R. 1475: Mr. SMITH of Nebraska, Ms. LEE, Mrs. CAROLYN B. MALONEY of New York, Mr. COSTA, Mr. SCOTT of Virginia, and Ms. Eddie BERNICE JOHNSON of Texas.
H.R. 1511: Mr. DESANTIS.
H.R. 1587: Ms. SLAUGHTER.
H.R. 1608: Ms. FUDGE, Mr. BERA, and Mr. REED.
H.R. 1708: Ms. ESHOO.
H.R. 1818: Mr. CALVERT.
H.R. 1854: Mr. RUIZ.
H.R. 1911: Mr. DEFAZIO.
H.R. 1941: Mr. BOUSTANY.
H.R. 1942: Ms. BROWN of Florida.
H.R. 2005: Mr. BEYER.
H.R. 2058: Mr. STIVERS, Mr. BYRNE, Mr. ROGERS of Kentucky, and Mr. HECK of Nevada.
H.R. 2096: Ms. BONAMICI.
H.R. 2144: Mr. BISHOP of Michigan.
H.R. 2264: Mr. VELA and Mr. FATTAH.
H.R. 2292: Ms. NORTON.
H.R. 2334: Mr. ROYCE.
H.R. 2367: Mr. GRAYSON, Mr. LOWENTHAL, Ms. LOFGREN, and Mr. CONYERS.
H.R. 2400: Mrs. ELLMERS of North Carolina.
H.R. 2493: Ms. DUCKWORTH.
H.R. 2519: Mrs. HARTZLER.
H.R. 2539: Mrs. BUSTOS.
H.R. 2546: Mrs. NAPOLITANO.
H.R. 2612: Ms. DUCKWORTH.
H.R. 2613: Mr. GRIJALVA, Ms. EDWARDS, Ms. TSONGAS, and Mr. QUIGLEY.
H.R. 2698: Mr. ABRAHAM, Mr. SESSIONS, and Mr. BISHOP of Michigan.
H.R. 2715: Mr. ELLISON, Mr. SERRANO, Mr. RANGEL, Mr. CUMMINGS, Ms. MATSUI, Mr. HONDA, Mr. CÁRDENAS, Mr. MOULTON, Mr. DESAULNIER, Mr. DAVID SCOTT of Georgia, and Mr. MEEKS.
H.R. 2731: Mr. HONDA.
H.R. 2805: Mr. WALDEN.
H.R. 2817: Mr. COSTA, Mr. NEWHOUSE, and Mr. LAMALFA.
H.R. 2844: Mr. TONKO and Ms. KELLY of Illinois.
H.R. 2946: Mr. EMMER of Minnesota.
H.R. 2948: Mr. HINOJOSA.
H.R. 3048: Mr. CUELLAR.
H.R. 3071: Mr. HUFFMAN.
H.R. 3225: Mr. TAKAI and Mr. LUCAS.
H.R. 3268: Mr. WALDEN, Mr. DOGGETT, and Mr. ROYCE.
H.R. 3326: Mrs. ELLMERS of North Carolina.
H.R. 3355: Mr. BYRNE.
H.R. 3356: Mr. POMPEO.
H.R. 3384: Mr. HONDA.
H.R. 3514: Ms. DUCKWORTH and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3516: Mr. LOUDERMILK, Mr. WOMACK, and Mr. THOMPSON of Pennsylvania.
H.R. 3535: Mr. BRADY of Pennsylvania.
H.R. 3542: Ms. MOORE.
H.R. 3565: Mrs. DAVIS of California.
H.R. 3591: Mr. RANGEL.
H.R. 3640: Mr. THOMPSON of California and Ms. DUCKWORTH.
H.R. 3643: Mr. HUNTER.
H.R. 3684: Ms. SINEMA.
H.R. 3706: Mr. BARTON and Mr. PETERS.
H.R. 3710: Mr. BENISHEK.
H.R. 3765: Mr. RANGEL.
H.R. 3805: Mr. CLEAVER.
H.R. 3861: Ms. MOORE and Mr. ASHFORD.
H.R. 3945: Mrs. WALORSKI.
H.R. 3952: Mr. BOST and Mr. LEWIS.
H.R. 3957: Mr. MICA.
H.R. 3991: Ms. MCSALLY.
H.R. 4113: Ms. SCHAKOWSKY.
H.R. 4126: Mr. HUDSON, Mr. CLAWSON of Florida, Mr. PEARCE, Mr. ABRAHAM, Mr. LAMBORN, Mr. CHABOT, Mr. POLIQUIN, Mr. SANFORD, Mrs. BLACKBURN, Mr. ALLEN, Mr. WILSON of South Carolina, Mr. ISSA, Mr. LAMALFA, and Mr. HARDY.
H.R. 4137: Mrs. BEATTY.
H.R. 4153: Mrs. NAPOLITANO.
H.R. 4179: Ms. SLAUGHTER.
H.R. 4199: Mr. YOUNG of Alaska and Mr. DIAZ-BALART.
H.R. 4210: Mr. ROYCE.
H.R. 4223: Ms. LOFGREN.
H.R. 4224: Mr. ALLEN.
H.R. 4238: Mr. TONKO, Mr. OLSON, Mr. KEATING, Mr. RUSH, Mr. SCHRADER, Mr. BUTTERFIELD, Mr. WELCH, Mr. COHEN, and Mr. PERLMUTTER.
H.R. 4247: Mr. HARDY.
H.R. 4249: Mr. DAVID SCOTT of Georgia.
H.R. 4262: Mr. POMPEO, Mr. LAMBORN, and Mr. COLE.
H.R. 4263: Mr. SEAN PATRICK MALONEY of New York.
H.R. 4278: Mr. NORCROSS.
H.R. 4293: Ms. JENKINS of Kansas.
H.R. 4336: Ms. DUCKWORTH, Ms. BROWNLEY of California, and Mr. BRADY of Texas.
H.R. 4352: Mr. HURD of Texas.
H.R. 4376: Mr. GRIJALVA.
H.R. 4397: Mr. WALZ.
H.R. 4399: Mr. RANGEL.
H.R. 4400: Ms. BONAMICI.
H.R. 4406: Mr. BISHOP of Michigan.
H.R. 4420: Mr. WEBER of Texas, Mr. BROOKS of Alabama, Mr. FARENTHOLD, Mr. PEARCE, Mr. DESJARLAIS, Mr. ROUZER, Mr. BARR, and Mr. ROE of Tennessee.
H.R. 4430: Mr. HONDA and Mrs. LAWRENCE.
H.R. 4435: Ms. CLARKE of New York, Mr. CÁRDENAS, and Mr. BEN RAY LUJÁN of New Mexico.
H.J. Res. 22: Mrs. KIRKPATRICK.
H. Con. Res. 75: Mr. JORDAN, Mr. BARLETTA, and Mr. BUCK.
H. Con. Res. 100: Mr. POE of Texas.
H. Res. 14: Mr. COFFMAN.
H. Res. 32: Mr. BISHOP of Georgia.
H. Res. 339: Mr. SHERMAN.
H. Res. 469: Mr. CICILLINE.
H. Res. 549: Mr. COHEN.
H. Res. 569: Ms. CLARKE of New York.
H. Res. 571: Mr. YOUNG of Alaska, Mr. MARCHANT, Mr. VARGAS, Mr. BOST, Mr. DESJARLAIS, Mr. CALVERT, Mr. FLORES, and Mr. ROHRABACHER.
H. Res. 592: Mr. POMPEO.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

43. The SPEAKER presented a petition of the Police Commissioner, City of New York, New York, relative to a letter urging Congress to approve the Denying Firearms and Explosives to Dangerous Terrorists Act; to the Committee on the Judiciary.

44. Also, a petition of the City of Lauderdale Lakes, Florida, relative to Resolution No.: 2015-149, endorsing the ''Ban the Box'' campaign and urging others to endorse the same; jointly to the Committees on Education and the Workforce and Oversight and Government Reform.